

# Exhibit 'C'

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO

MELODY JOY CANTU AND DR.  
RODRIGO CANTU,

Plaintiffs,

v.

5:20-CV-0746JKP-HJB

DR. SANDRA GUERRA AND DIGITAL  
FORENSICS CORPORATION, LLC,

Defendants.

The Videotape Deposition of SANDRA GUERRA, taken at the request of the Plaintiffs, before Truenea Teasley, CSR in the State of Texas, pursuant to Federal Rules of Civil Procedure, on Thursday, July 21, 2022, from 10:02 a.m. to 1:30 p.m., at 755 East Mulberry Avenue, Suite 250, San Antonio, Texas 78212, conducted remotely.

**A P P E A R A N C E S**

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**ALSO PRESENT:**

Liz Kemp, Videographer  
 Melody Cantu  
 Nicole Guitelman

**I N D E X**

<b>WITNESS:</b>	<b>PAGE</b>
<b>SANDRA GUERRA, M.D.</b>	
Examination by MR. EKELAND	4
<b>CHANGES AND SIGNATURE PAGE</b>	110
<b>Certificate of Completion of Deposition</b>	111

	<b>EXHIBITS:</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
1	<b>Exhibit A</b>	<b>Notice of Deposition</b>	<b>5</b>
2	<b>Exhibit C</b>	<b>Service Authorization Agreement</b>	<b>6</b>
3	<b>Exhibit D</b>	<b>Wire Transfer</b>	<b>27</b>
4	<b>Exhibit E</b>	<b>Phase I Report</b>	<b>27</b>
5	<b>Exhibit F</b>	<b>Table of Messages</b>	<b>50</b>
6	<b>Exhibit J</b>	<b>Motion for Enforcement</b>	<b>52</b>
7	<b>Exhibit N</b>	<b>Letter Dated 06-01-2018</b>	<b>53</b>
8	<b>Exhibit I-A</b>	<b>Investigation Report</b>	<b>58</b>
9	<b>Exhibit K-A</b>	<b>E-mail</b>	<b>61</b>
10	<b>Exhibit M</b>	<b>Police Report</b>	<b>63</b>
11	<b>Exhibit R</b>	<b>News Article</b>	<b>70</b>
12	<b>Exhibit K</b>	<b>Letter Dated 09-25-2019</b>	<b>77</b>
13	<b>Exhibit T</b>	<b>Request for Production</b>	<b>79</b>
14			
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1 VIDEOGRAPHER: We're now on the video  
2 record at the beginning of media file number 1. The  
3 time is 10:02 a.m.

4 Would the court reporter please swear in  
5 the witness.

6 SANDRA GUERRA, M.D.  
7 sworn by the Certified Court Reporter, testified as  
8 follows:

9 EXAMINATION

10 BY MR. EKELAND:

11 Q. Good morning, Dr. Guerra.

12 A. Good morning.

13 Q. As you know I'm Tor Ekeland and I represent  
14 the plaintiffs, Dr. Cantu and Mrs. Cantu. Just to  
15 start, I'm going to ask the normal questions.

16 Have you -- are you under the influence  
17 of any drugs, medication or anything else that would  
18 affect your ability to testify truthfully today?

19 A. No.

20 Q. Do you have any chat windows or phones nearby  
21 where you can text people or communicate with anybody,  
22 the attorneys or anybody like that?

23 A. No.

24 Q. And who is in the room with you?

25 A. No one.

1 Q. And you've testified in depositions before.  
2 Correct?

3 A. Yes.

4 Q. How many times?

5 A. One.

6 Q. And that was -- that one time you testified,  
7 that was in relation to a custody case with Dr. Cantu.  
8 Correct?

9 A. Yes.

10 MR. EKELAND: If I could get Exhibit A  
11 up.

12 (Exhibit A was marked.)

13 Q. (BY MR. EKELAND) Dr. Guerra, can you see  
14 Exhibit A?

15 A. I can.

16 Q. Okay. Just after you've kind of looked at the  
17 first page, just let us know and we'll go to the second  
18 page.

19 A. I have read the first page.

20 MR. EKELAND: If I could get the second  
21 page, please.

22 Q. (BY MR. EKELAND) Just take a look at that and  
23 let me know when you're done.

24 A. I read it.

25 Q. And this is your notice of deposition for your

1 testimony today. Correct?

2 A. Yes.

3 MR. EKELAND: If I could get Exhibit C,  
4 please.

5 (Exhibit C was marked.)

6 Q. (BY MR. EKELAND) Just take -- you can see  
7 Exhibit C?

8 A. Yes.

9 Q. And do you recognize it?

10 A. I can tell what it is. I don't recall it.

11 Q. And this is the front page to your agreement  
12 with Digital Forensic Corporation. Correct?

13 A. Yes.

14 Q. And down in the bottom right-hand corner where  
15 it says total, it says \$3,000.

16 Do you see that?

17 A. Yes.

18 Q. And that's \$3,000 you paid to Digital  
19 Forensics Corporation. Correct?

20 A. Yes.

21 Q. And you paid them that money to investigate  
22 Melody Joy Cantu. Correct?

23 MS. PEERY: Objection to the form.

24 A. Not correct.

25 Q. (BY MR. EKELAND) Why did you pay them that

1 money?

2 A. To do an investigation on who was attempting  
3 to hack me and sign me up on accounts without my  
4 authorization.

5 Q. And you communicated that desire to Digital  
6 Forensics Corporation?

7 A. Yes.

8 Q. And you communicated with them via e-mail?

9 MS. PEERY: Objection, form.

10 MR. EKELAND: I couldn't hear that  
11 objection. I'm sorry. That was real soft.

12 MS. PEERY: Objection, form.

13 Q. (BY MR. EKELAND) You can answer.

14 A. I do not recall e-mailing with Digital  
15 Forensics.

16 Q. In response to our discovery requests, did you  
17 do a search of your e-mail?

18 A. I have.

19 Q. And did you find any communications with  
20 Digital Forensics Corporation?

21 MS. PEERY: Objection, form.

22 Q. (BY MR. EKELAND) You can answer.

23 A. No.

24 Q. What else did you search in response to our  
25 discovery requests in this case?



1 MS. PEERY: Objection, form.

2 Q. (BY MR. EKELAND) You can answer.

3 A. Please clarify your question.

4 Q. Okay. So you saw our discovery requests in  
5 this case?

6 A. Yes.

7 Q. And when you got those discovery requests, you  
8 did a search for information that was responsive to  
9 those discovery requests?

10 MS. PEERY: Objection, form.

11 Q. (BY MR. EKELAND) You can answer.

12 A. Yes. That search has just started, but yes.

13 Q. The search has just started. Is that what you  
14 just said?

15 MS. PEERY: Objection, form.

16 A. Correct.

17 Q. (BY MR. EKELAND) And when did you start that  
18 search?

19 MS. PEERY: Objection, form.

20 A. In the last several days.

21 Q. (BY MR. EKELAND) And what have you searched  
22 in the last several days?

23 MS. PEERY: Objection, form.

24 Q. (BY MR. EKELAND) You can answer.

25 A. For any e-mail communications between myself

1 and Digital Forensics.

2 Q. Did you look for texts between you and Digital  
3 Forensics?

4 MS. PEERY: Objection, form.

5 A. I did not.

6 Q. (BY MR. EKELAND) Did you check your phone  
7 records for records of calls with Digital Forensics?

8 MS. PEERY: Objection, form.

9 A. I did not.

10 Q. (BY MR. EKELAND) Do you recall at all how you  
11 communicated with Digital Forensics?

12 A. I do.

13 Q. How did you communicate with Digital  
14 Forensics?

15 A. Through phone calls.

16 Q. So directing your attention again to  
17 Exhibit C -- which has disappeared from my screen -- do  
18 you see up at the top there on the top left-hand side  
19 where it says DocuSign Envelope ID?

20 A. I do see that.

21 Q. This agreement was sent to you via e-mail --  
22 well, actually a link in an e-mail through DocuSign.  
23 Correct?

24 MS. PEERY: Objection, form.

25 Q. (BY MR. EKELAND) You can answer.

1 A. I believe so.

2 Q. Have you looked for this e-mail?

3 A. I have.

4 Q. Do you still have this e-mail?

5 A. I do not recall. I have not found it.

6 Q. What e-mail service provider were you using at  
7 the time when all of this happened?

8 MS. PEERY: Objection, form.

9 Q. (BY MR. EKELAND) You can answer.

10 A. I don't think I understand the question.

11 Q. Okay. Were you -- did you have a work e-mail  
12 account at this time?

13 MS. PEERY: Objection, form.

14 A. It is likely I had a work e-mail account at  
15 that time.

16 Q. (BY MR. EKELAND) Do you know what that  
17 account was?

18 A. It was tied to my employer.

19 Q. Do you know what the e-mail address was?

20 A. I could likely find it. I don't remember it  
21 at the moment.

22 Q. That's fair.

23 And at the time, also, did you have any  
24 personal e-mail accounts?

25 A. I did.

1           Q.     Can you tell me the addresses of those  
2     personal e-mail accounts.

3           A.     My -- the one I recall is the one I continue  
4     to use today which is drsandraguerra@yahoo.com.

5           Q.     And if we asked you to go back and look and  
6     find -- look for other personal e-mail accounts, you'd  
7     do that for us. Correct?

8                     MS. PEERY: Objection, form.

9           A.     Yes. Yes.

10                    MR. EKELAND: If we could go to the next  
11     page in Exhibit C, please.

12           Q.     (BY MR. EKELAND) Directing your attention to  
13     about the one, two -- the sixth paragraph down that  
14     says Services Quote.

15                    Can you see that?

16           A.     I can.

17           Q.     Do you see how it says: Company provides  
18     turnaround times to clients for purposes of providing  
19     good faith estimates as to the hours necessary to  
20     complete services based on previous experience in  
21     handling similar matters.

22                    Do you know if you ever received this  
23     services quote from Digital Forensics Corporation?

24                    MS. PEERY: Objection, form.

25           Q.     (BY MR. EKELAND) You can answer.

1           A.     No.

2           Q.     Have you searched your e-mail for a services  
3 quote?

4                   MS. PEERY: Objection, form.

5           Q.     (BY MR. EKELAND) You can answer.

6           A.     I have searched my e-mail for e-mail  
7 communications between myself and Digital Forensics.

8           Q.     And what e-mail were you searching actually  
9 when you did that? What e-mail account? I'm sorry.

10          A.     My personal Yahoo account.

11          Q.     Directing your attention to the paragraph  
12 underneath the services quote paragraph that has the  
13 price quote at the start of it. Just take a look at  
14 that and let me know when you're done with that.

15          A.     I have read it.

16          Q.     Do you know if you ever got a price quote from  
17 Digital Forensics Corporation?

18          A.     I do not.

19          Q.     You searched your -- have you searched your  
20 e-mail for a price quote from Digital Forensics?

21                   MS. PEERY: Objection, form.

22          A.     I have searched my e-mail for any e-mail  
23 communication between myself and Digital Forensics.

24          Q.     (BY MR. EKELAND) Do you remember who you were  
25 communicating with at Digital Forensics?

1           A.     I do not.

2           Q.     Do you remember if it was more than one  
3 person?

4           A.     It was.

5           Q.     Do you remember how many people you  
6 communicated with at Digital Forensics?

7           A.     I do not.

8           Q.     Directing your attention to the next paragraph  
9 which has the bold lead saying About the Phase I  
10 Service, just take a look at that and let me know when  
11 you're done with it.

12          A.     I cannot read the entirety of the statement,  
13 it is cut off on the right-hand side.

14          Q.     Apologies. We'll fix that.

15          A.     Thank you.

16                   I have read it.

17          Q.     And you see how it says: Company utilizes a  
18 two-phase procedure when performing a digital forensic  
19 examination on the electronic devices obtained by the  
20 client.

21                   Do you know what that two-phase procedure  
22 is?

23                   MS. PEERY: Objection, form.

24          Q.     (BY MR. EKELAND) You can answer.

25          A.     I do not.

1 Q. Did you turn over any devices to Digital  
2 Forensic [sic] Corporation?

3 MS. PEERY: Objection, form.

4 A. I did not.

5 Thank you.

6 I did not.

7 Q. (BY MR. EKELAND) Have you turned or did you  
8 turn over any of your electronic devices to any other  
9 computer forensic examination company --

10 MS. PEERY: Objection, form.

11 Q. (BY MR. EKELAND) -- in relation to this case?

12 A. I did not.

13 Q. Have you had your smartphone or any of your  
14 devices imagined or copied in any way --

15 MS. PEERY: Objection, form.

16 Q. (BY MR. EKELAND) -- in relation to this case?

17 A. Yes.

18 Q. Who -- what precisely was done? Were they  
19 imagined?

20 MS. PEERY: Objection, form.

21 A. I do not believe it was imaging, but I am not  
22 sure.

23 Q. (BY MR. EKELAND) And who performed the work?

24 A. Digital Forensics.

25 Q. And what were they performing -- what device

1       were they are performing the work on?

2                       MS. PEERY:   Objection, form.

3               Q.     (BY MR. EKELAND)   You can answer.

4               A.     My laptop computer.

5               Q.     And is it correct to say that you shipped your  
6       laptop computer to Digital Forensics for examination?

7                       Is that correct?

8               A.     It is not.

9               Q.     Why did you send your laptop computer to  
10      Digital Forensics?

11                      MS. PEERY:   Objection, form.

12              A.     I not ship my laptop computer to Digital  
13      Forensics.

14              Q.     (BY MR. EKELAND)   Did Digital Forensics  
15      Corporation access your laptop computer remotely?

16              A.     Yes.

17              Q.     And what was your understanding of what  
18      Digital Forensics Corporation was doing when they  
19      remotely accessed your laptop?

20                      MS. PEERY:   Objection, form.

21              Q.     (BY MR. EKELAND)   You can answer.

22              A.     They were examining accounts that I had on  
23      that computer.

24              Q.     And do you know if Digital Forensics  
25      Corporation generated any kind of report or any kind of



1 written material in relation to the work that they did  
2 for you?

3 MS. PEERY: Objection, form.

4 Q. (BY MR. EKELAND) You can answer.

5 A. I received a Phase I report.

6 Q. Anything else?

7 A. No.

8 Q. Was the \$3,000 that you just testified that  
9 you paid to Digital Forensics Corporation, did that  
10 \$3,000 pay for the work on your laptop as well?

11 MS. PEERY: Objection, form.

12 A. The services that were provided by Digital  
13 Forensics were included in those \$3,000.

14 Q. (BY MR. EKELAND) Have you paid any other  
15 money to Digital Forensic Corporation besides those  
16 \$3,000?

17 A. I have not.

18 Q. Now, the laptop that you just mentioned that  
19 you had Digital Forensic Corporation remotely access,  
20 what kind of laptop was that?

21 A. A Dell.

22 Q. Do you know the particular brand of Dell, type  
23 of Dell?

24 MS. PEERY: Objection, form.

25 A. I'd like to correct it. Actually it was an

1 HP. That's all I know of it.

2 Q. (BY MR. EKELAND) Do you know what color it  
3 is?

4 A. A metallic brownish color.

5 Q. Have you put any markings or stickers or  
6 anything else on it?

7 A. No.

8 Q. Do you know how big the screen is?

9 A. No.

10 Q. And I believe you testified that you're asking  
11 DFC -- short for Digital Forensic Corporation -- to you  
12 said analyze accounts that were on your laptop. Is  
13 that correct? Did I hear that?

14 MS. PEERY: Objection, form.

15 Q. (BY MR. EKELAND) You can answer.

16 A. Yes.

17 Q. Can you name those accounts for me.

18 MS. PEERY: Objection, form.

19 A. My recollection is that they investigated my  
20 LinkedIn account, my Facebook account. And that is the  
21 extent of what I recall.

22 Q. (BY MR. EKELAND) Did DFC access any other of  
23 your devices remotely?

24 MS. PEERY: Objection, form.

25 A. No, not that I can recall.

1 Q. (BY MR. EKELAND) Are you aware of any other  
2 devices besides the laptop that we just talked about  
3 that DFC examined in any way, whether remotely, whether  
4 you sent it to them, whether somebody came to your  
5 place and looked at them, were any other devices here  
6 that DFC examined?

7 MS. PEERY: Objection, form.

8 A. No.

9 Q. (BY MR. EKELAND) Are you aware of any other  
10 work performed on your behalf by Digital Forensics  
11 Corporation that is not mentioned in the Phase I  
12 report?

13 MS. PEERY: Objection, form.

14 A. No.

15 Q. (BY MR. EKELAND) And are you aware of any  
16 work performed outside the scope of your agreement with  
17 Digital Forensics Corporation?

18 MS. PEERY: Objection, form.

19 A. No.

20 Q. (BY MR. EKELAND) And if I recall your  
21 testimony correctly, DFC is the only computer forensics  
22 corporation company that you've worked with in relation  
23 to this matter?

24 A. Yes.

25 Q. Directing your attention to -- we're back on

1 Exhibit C, and the second paragraph up from the bottom  
2 where it starts "This thorough process."

3 A. I have read it.

4 Q. Can you see how it says: This thorough  
5 process helps the client make an informed decision as  
6 to whether to proceed with Phase II services.

7 A. I do see that.

8 Q. You -- did you ask DFC to proceed with Phase  
9 II services?

10 A. I did not.

11 MR. EKELAND: Let's go to the next page,  
12 please.

13 Q. (BY MR. EKELAND) Dr. Guerra, I forgot to say  
14 at the top, if at any point, you want to take a break  
15 or anything, just let us know and that's totally fine.

16 Going to the -- taking your attention to  
17 the paragraph in the middle of the page that has the  
18 bold lead saying "Secure Cell Phone Service."

19 A. I read the statement.

20 Q. My question is simple. Did they provide you  
21 with a secure cell phone?

22 A. Not that I can recall.

23 Q. I'd like to direct your attention to the -- is  
24 it the second paragraph up from the bottom that has the  
25 bold lead saying "Third-Party Services."

1           A.     I have read the statement.

2           Q.     Are you aware of any third-party services used  
3 by DFC in relation to this matter?

4                   MS. PEERY:  Objection, form.

5           Q.     (BY MR. EKELAND)  You can answer.

6           A.     No.

7           Q.     Directing your attention to the last paragraph  
8 on the page, it's inset starting:  Clients are not  
9 obligated to use.

10          A.     I have read the statement.

11          Q.     Did DFC refer a private investigator to you?

12          A.     No.

13          Q.     Have you used a private investigator in  
14 relation to this matter?

15          A.     Yes.

16                   MS. PEERY:  Objection, form.

17          A.     Yes.

18          Q.     (BY MR. EKELAND)  Who's the name of that  
19 private -- what's the name of that private  
20 investigator?

21          A.     I do not recall.

22          Q.     But you'd have that in your records?

23          A.     Yes.

24          Q.     And you paid them money for their services?

25          A.     Yes.

1 Q. And you communicated with them via phone?

2 A. Yes.

3 Q. And you communicated with them in person?

4 A. No.

5 Q. But you communicated with them via e-mail?

6 A. The report was sent by e-mail.

7 Q. The private investigator sent you a report via  
8 e-mail?

9 A. Correct.

10 Q. And what was that report on?

11 MS. PEERY: Objection, form.

12 MR. EKELAND: Withdrawn.

13 Q. (BY MR. EKELAND) What was that report about?

14 MS. PEERY: Objection, form.

15 A. Background on Melody Joy Cantu.

16 Q. (BY MR. EKELAND) Is that different from the  
17 Detectives.com [sic] search that you did or is this  
18 what you're referring to?

19 A. It is what I am referring to.

20 Q. Is it what we've just been talking about as  
21 the Detectives.com search?

22 A. Correct. I don't recall the name of the  
23 company but there was just one.

24 Q. I think we'll be looking at it later.

25 So outside the Detectives.com search that

1 we were just talking about, did you hire or use any  
2 other type of investigator in relation to this matter?

3 A. No.

4 Q. Have you hired or worked with anyone in  
5 relation to this matter outside, obviously, your  
6 attorneys, DFC and Detectives.com?

7 MS. PEERY: Objection, form.

8 Q. (BY MR. EKELAND) You can answer.

9 A. No.

10 MR. EKELAND: If we could go to the next  
11 page.

12 And about a third of the way up from the  
13 bottom with the bold lead saying Storage Fees, if we  
14 could blow up that sentence and the inset paragraph  
15 underneath. Well, I should start with the sentence and  
16 Dr. Guerra can read that and then we'll go to the next  
17 one.

18 A. I have read the statement.

19 MR. EKELAND: And then if we just blow up  
20 the next paragraph underneath it.

21 A. I have read the statement.

22 Q. (BY MR. EKELAND) Did you ever pay Digital  
23 Forensics Corporation for data storage?

24 A. I did not.

25 Q. Did DFC copy the contents of the hard drive on

1     your laptop, do you recall?

2                     MS. PEERY: Objection, form.

3             A.     I do not know.

4             Q.     (BY MR. EKELAND) Did you ever ship anything,  
5     you know, via mail, FedEx, UPS, any kind of shipping to  
6     Digital Forensics Corporation?

7             A.     I cannot recall.

8             Q.     Do you recall them shipping you a cloning kit?

9                     MS. PEERY: Objection, form.

10            A.     I do recall receiving a package from Digital  
11     Forensics which I recall opening and the device was  
12     not -- what looked like, to me a noncomputer expert,  
13     looked like an external hard drive, but it was broken.  
14     It was not used.

15            Q.     (BY MR. EKELAND) Did you -- did DFC send you  
16     a working one?

17            A.     No.

18            Q.     Did you ask for a replacement?

19            A.     No.

20                    MR. EKELAND: If we could go to what's  
21     page 5 of 10, on the bottom it's Bates stamped Guerra  
22     000190.

23                    There you go.

24                    And up at the top if we could highlight  
25     the first two paragraphs.



1           A.     I have read the statement.

2           Q.     (BY MR. EKELAND) And here they're talking  
3 about the remote acquisition that they used to access  
4 your laptop. Correct?

5                     MS. PEERY: Objection, form.

6           Q.     (BY MR. EKELAND) You can answer.

7           A.     This is describing a mechanism to access a  
8 device.

9           Q.     And you have no reason to believe it's not the  
10 mechanism, so to speak, that they used to access your  
11 laptop. Correct?

12                    MS. PEERY: Objection, form.

13          A.     Correct.

14          Q.     (BY MR. EKELAND) Going down to the second to  
15 last paragraph on this page that has the bold lead  
16 saying GPS Tracking of Vehicles and Assets.

17          A.     I have read the statement.

18          Q.     Are you aware of any GPS tracking of vehicle  
19 and/or assets in relation to this matter?

20          A.     No.

21                    MR. EKELAND: If we could go to the next  
22 page and if we could go to -- it's the third paragraph  
23 which has the bold lead Complaint Resolution Process.

24          A.     I have read the statement.

25          Q.     Did you ever make any complaints to DFC about

1     their services for you?

2                     MS. PEERY: Objection, form.

3             Q.     (BY MR. EKELAND) You can answer.

4             A.     I did not make any complaints.

5                     MR. EKELAND: If we could go to page 8 of  
6     10, which is the signature page.

7                     And if we could just highlight her  
8     signature.

9             Q.     (BY MR. EKELAND) That's your electronic  
10    signature on this document. Correct?

11            A.     I believe that it is.

12            Q.     And the date on that is May 25th, 2018.  
13    Correct?

14            A.     Correct.

15                    MR. EKELAND: If we could go to the next  
16    page.

17                    And you see up at the top where it says  
18    Consent to Search Form. And if we could highlight the  
19    second paragraph that has the bold lead Electronic  
20    Media/Device.

21            A.     I have read the statement.

22            Q.     (BY MR. EKELAND) And outside the laptop that  
23    we discussed earlier, in relation to this paragraph --  
24    withdraw.

25                    Outside of the laptop we talked earlier,

1 did DFC search any of your devices or perform any of  
2 these services mentioned in that paragraph you just  
3 read?

4 MS. PEERY: Objection, form.

5 Q. (BY MR. EKELAND) You can answer.

6 A. Not that I can recall.

7 Q. Okay. Going to the next paragraph which says  
8 in the bold lead Internet Service Provider/Web-Based  
9 Email Or Account.

10 A. I have read the statement.

11 Q. (BY MR. EKELAND) Okay. And it says: I,  
12 Sandra Guerra, authorize and provide my consent to  
13 company to access, view, download, extract and report  
14 on information contained in the Web-based accounts  
15 submitted to company, including any electronic mail in  
16 all folders, sent, received, trash, et cetera, stored  
17 off site by the Internet service provider or Web-based  
18 e-mail provider associated with the Web-based accounts.

19 Did DFC do what's described here for any  
20 of your Web-based accounts?

21 MS. PEERY: Objection, form.

22 Q. (BY MR. EKELAND) You can answer.

23 A. I do not know.

24 Q. Do you know if they searched your e-mail in  
25 folders?

1 MS. PEERY: Objection, form.

2 A. I do not know.

3 Q. (BY MR. EKELAND) And then just directing your  
4 attention to the bottom of the page at the signature  
5 block.

6 That's your electronic signature on the  
7 consent to search form?

8 A. I believe that it is.

9 Q. And it's dated May 25th, 2018. Correct?

10 A. It is.

11 MR. EKELAND: Okay. I'm done with the  
12 exhibit.

13 (Exhibit D was marked.)

14 MR. EKELAND: If I could get Exhibit D  
15 up.

16 Q. (BY MR. EKELAND) And just please take a look  
17 at that and let me know when you're ready.

18 A. I have read what's in front of me.

19 Q. And this is a wire transfer confirmation for  
20 \$3,000 that you sent to Digital Forensics Corporation.  
21 Correct?

22 A. That is what it appears to be.

23 (Exhibit E was marked.)

24 MR. EKELAND: If I could get Exhibit E,  
25 please.

1 Q. (BY MR. EKELAND) And if you would just take a  
2 look at that and let me know when you're done.

3 A. I do see that.

4 Q. If you see something as we go through this  
5 document that changes your mind, please let me know,  
6 but this is the front page to the Phase I Report that  
7 Digital Forensic Corporation sent to you. Correct?

8 A. That is correct.

9 Q. Do you know who wrote this?

10 A. I only know authorship of Digital Forensics  
11 Corporation.

12 Q. Did you speak with anyone while they were  
13 writing the report about this report?

14 A. Not that I can recall.

15 MR. EKELAND: If we could go to page 5,  
16 please.

17 If we could go to paragraph 4, please,  
18 and blow it.

19 A. I have read the statement.

20 Q. (BY MR. EKELAND) And so you see how it says:  
21 If the client is interested in proceeding to Phase II,  
22 the client needs to file a police report at the local  
23 police station to document the cyber harassment or  
24 cyber fraud.

25 Correct?

1 A. That is what the statement states.

2 Q. And in fact you did go down to the San Antonio  
3 Police Department and filed a complaint, a police  
4 report against Melody Joy Cantu. Correct?

5 MS. PEERY: Objection, form.

6 A. I did go to a police department and file a  
7 complaint against Melody Joy Cantu.

8 Q. (BY MR. EKELAND) And when you did that, you  
9 took a copy of this Phase I report with you. Correct?

10 MS. PEERY: Objection, form.

11 A. I did.

12 Q. (BY MR. EKELAND) And you told the San Antonio  
13 Police Department that in order for you to get a  
14 Phase II report, you had to file a police report.  
15 Correct?

16 MS. PEERY: Objection, form.

17 A. Correct.

18 MR. EKELAND: If we could go to page 25,  
19 please.

20 Q. (BY MR. EKELAND) And just take a look at that  
21 and let me know when you're ready.

22 A. I have read the statement.

23 Q. Directing your attention to the first  
24 paragraph in the body of the text that starts: I,  
25 Dr. Sandra Guerra.

1 A. I have read the statement.

2 Q. Did you write that?

3 A. I did not write that.

4 Q. Directing your attention to the next paragraph  
5 that says: First beginning on or about May 16, 2018.

6 A. I have read the statement.

7 Q. Did you write that statement?

8 MS. PEERY: Objection, form.

9 A. I did not.

10 Q. (BY MR. EKELAND) Directing your attention to  
11 the third paragraph in this sample police report.

12 A. I have read the statement.

13 Q. Did you write that statement?

14 MS. PEERY: Objection, form.

15 A. I did not write that statement.

16 Q. (BY MR. EKELAND) Directing your attention to  
17 the last paragraph on the next page, I'm sorry, page  
18 26.

19 A. I have read the statement.

20 Q. Did you write that statement?

21 MS. PEERY: Objection, form.

22 A. I did not write that statement.

23 Q. (BY MR. EKELAND) When you filed your police  
24 report, did you use any of the language from what we  
25 just went through in your police report?

1 MS. PEERY: Objection, form.

2 Q. (BY MR. EKELAND) You can answer.

3 A. I do not recall.

4 MR. EKELAND: Can we go back to page 4 of  
5 the Phase I report, please.

6 Q. (BY MR. EKELAND) Directing your attention to  
7 paragraph 3.

8 A. I have read the statement.

9 Q. And so you see how it says: Phase I also  
10 includes the creation of tracking URLs to target at the  
11 suspects. The client will send the tracking URLs TO  
12 suspects and Digital Forensics Corporation, DFC, will  
13 monitor the tracking URLs for any activity by the  
14 suspects.

15 And that's what happened. Correct?

16 MS. PEERY: Objection, form.

17 Q. (BY MR. EKELAND) You can answer.

18 A. I do not know if that is what happened.

19 Q. But you did send -- well, you did receive  
20 tracking URLs from Digital Forensics Corporation.  
21 Correct?

22 MS. PEERY: Objection, form.

23 A. I do not recall receiving tracking URLs from  
24 Digital Forensics Corporation.

25 Q. (BY MR. EKELAND) Is it your testimony here



1 today that you never sent any tracking URLs to  
2 Melody Joy Cantu?

3 MS. PEERY: Objection, form.

4 A. That is correct.

5 Q. (BY MR. EKELAND) Do you know who did?

6 MS. PEERY: Objection, form.

7 A. I do not.

8 Q. (BY MR. EKELAND) You've read the Phase I  
9 report. Correct?

10 A. Yes.

11 Q. And you read it before you went to the  
12 San Antonio Police Department. Correct?

13 A. Yes.

14 Q. And just to be clear, it's your testimony here  
15 today that Digital Forensics Corporation never sent you  
16 any tracking URLs or tracking links of any type to  
17 direct at plaintiffs?

18 MS. PEERY: Objection, form.

19 A. I do not recall receiving any tracking URLs  
20 from DFC.

21 MR. EKELAND: Let's go to the next page  
22 and paragraph 6.

23 No.

24 VIDEOGRAPHER: I'm sorry. Did you say  
25 paragraph 6?

1 MR. EKELAND: No. We can skip paragraph  
2 6.

3 Let's go to page 7.

4 A. I have read the statement.

5 Q. (BY MR. EKELAND) Did you see the table with  
6 the -- having, you know, the date and the time and the  
7 May 16th, May 18th and various dates?

8 A. I do see the table.

9 Q. That's based on information that you sent to  
10 DFC?

11 MS. PEERY: Objection, form.

12 A. That is based on information that I provided  
13 to DFC.

14 Q. (BY MR. EKELAND) And you e-mailed that  
15 information to DFC?

16 A. I believe it was -- so, no, it was not  
17 e-mailed.

18 Q. How did you convey that information to DFC?

19 A. I believe it was through our conversation.

20 Q. You orally listed all the information in the  
21 table that we're talking about to DFC?

22 MS. PEERY: Objection, form.

23 A. It's difficult to recall exactly how, but yes,  
24 I believe it was verbally.

25 Q. (BY MR. EKELAND) And where did you get this

1 information that you were verbally communicating to  
2 DFC?

3 MS. PEERY: Objection, form.

4 A. I had received text messages from Verizon  
5 informing me that someone was attempting to access my  
6 account. Therefore, I had those messages.

7 Q. (BY MR. EKELAND) And have you produced those  
8 text messages to us?

9 A. I do not know.

10 Q. But you still have them.

11 A. I do not know.

12 Q. Because you haven't searched for them yet?

13 A. That is correct, I have not searched for them.

14 Q. But if we asked you to search for all the  
15 information you have in relation to this,  
16 quote/unquote, unknown malicious hacker, you would do  
17 that. Correct?

18 MS. PEERY: Objection, form.

19 A. Yes.

20 Q. (BY MR. EKELAND) If we could just go to the  
21 last paragraph on this page.

22 A. I have read the statement.

23 Q. So am I correct to understand that what  
24 happened here is that there were a large number of  
25 attempted log-ins to your voice mail account. Is that

1 correct?

2 MS. PEERY: Objection, form.

3 A. Yes.

4 Q. (BY MR. EKELAND) And as a result Verizon shut  
5 down access to your voice mail account. Is that  
6 correct?

7 MS. PEERY: Objection, form.

8 A. Yes.

9 Q. (BY MR. EKELAND) But you never lost your  
10 phone service. Correct?

11 MS. PEERY: Objection, form.

12 A. I did not lose access to my phone, but I did  
13 lose access to online access to my account.

14 Q. (BY MR. EKELAND) For how long?

15 A. It is still not reinstated to today.

16 Q. But you have a phone service today. Correct?

17 MS. PEERY: Objection, form.

18 A. Correct.

19 Q. (BY MR. EKELAND) And you have voice mail.  
20 Correct?

21 MS. PEERY: Objection, form.

22 A. Correct.

23 Q. (BY MR. EKELAND) And you never found out who  
24 was trying to access your voice mail account. Correct?

25 MS. PEERY: Objection, form.

1           A.     I have not found out who did this, no.

2                     MR. EKELAND:   Turn the page.

3                     And if we could go to the first  
4 paragraph.

5           A.     I have read the statement.

6           Q.     (BY MR. EKELAND)   Do you know who  
7 MonkeyBar1970 is?

8           A.     I know that was the username that was  
9 connected to these accounts that were created.

10          Q.     But you don't know who the person was behind  
11 this.

12                     MS. PEERY:   Objection, form.

13          A.     I do not know the person that was behind the  
14 accounts.

15          Q.     (BY MR. EKELAND)   And it also says in the  
16 paragraph:   Created profiles on two social media Web  
17 sites that is dedicated to people with sexually  
18 transmitted diseases.

19                     Have you ever had a sexually transmitted  
20 disease?

21          A.     I have not.

22          Q.     You self-prescribed Valtrex to yourself before  
23 though.   Correct?

24          A.     That is correct.

25                     MR. EKELAND:   You can go to page 11.

1                   If we could go to the paragraph on the  
2 bottom of the page.

3           A.     I have read the statement.

4           Q.     (BY MR. EKELAND) And you can see the first  
5 sentence that says: DFC engineers acquired and  
6 archived the client's LinkedIn and Facebook accounts.

7                   Correct?

8           A.     That is what the statement says.

9           Q.     And do you have any reason to believe that  
10 that statement isn't true?

11                   MS. PEERY: Objection, form.

12          A.     No.

13                   No.

14                   MR. EKELAND: We can go to page 16,  
15 please.

16          Q.     (BY MR. EKELAND) Directing your attention to  
17 the sentence at the top of the page.

18          A.     I have read the statement.

19          Q.     And is it your understanding that DFC's  
20 forensic examiners created some links for you?

21                   MS. PEERY: Objection, form.

22          A.     It is my understanding that DFC, per their  
23 report, created some links.

24          Q.     (BY MR. EKELAND) Is it your testimony that  
25 they merely created the links for this report?

1 MS. PEERY: Objection, form.

2 A. That is not my statement.

3 Q. (BY MR. EKELAND) What is your statement?

4 MS. PEERY: Form.

5 A. According to this report, links were created.

6 Q. (BY MR. EKELAND) Directing your attention to  
7 the second bullet point on the page.

8 MR. EKELAND: If you would highlight  
9 that, please.

10 A. I have read the statement.

11 Q. (BY MR. EKELAND) So you see how it says:  
12 Each individual tracking URL captures IP address,  
13 operating system, browser, screen resolution and hash  
14 information for the device from which the tracking URL  
15 is clicked.

16 Do you have any reason to believe that  
17 that's not a true statement?

18 MS. PEERY: Objection, form.

19 A. I do not have any reason to believe that that  
20 is not a true statement.

21 Q. (BY MR. EKELAND) As a matter of fact, it's  
22 one of the things you were paying DFC \$3,000 to do for  
23 you. Correct?

24 MS. PEERY: Objection, form.

25 A. This was part of what they did in creating the

1 report.

2 Q. (BY MR. EKELAND) So bringing your attention  
3 to the second bullet point up from the bottom with the  
4 lead word in bold "First."

5 MR. EKELAND: And if we could get it all  
6 the way down to where it says CX\_Sandra Guerra.

7 A. I have read the statement.

8 Q. (BY MR. EKELAND) Did you see on the bottom  
9 where it says CX\_Sandra\_Guerra, and there's an  
10 <https://goo.gl/G5GE9Z>

11 Do you see that?

12 MS. PEERY: Objection, form.

13 A. Yes. You repeated it a little bit  
14 incorrectly, but yes, I see what you're referring to.  
15 You put an extra G in. But yes, I understand what  
16 you're referring to.

17 Q. (BY MR. EKELAND) I defer to you and the text  
18 on that.

19 Is it your testimony that that's -- you  
20 never sent that link to Sandra Guerra -- Melody Joy  
21 Cantu? Excuse me.

22 A. It is my testimony I did not send that link to  
23 Melody Joy Cantu.

24 Q. (BY MR. EKELAND) Directing your attention to  
25 the last bullet point.



1           A.     I have read the statement.

2           Q.     Can you see how in the last sentence it says:  
3     You need to send the URL to each suspect on whatever  
4     platform, e-mail, social media, text message works best  
5     for that subject.

6                     Correct?

7           A.     I see that. I see the text that is before me,  
8     yes.

9           Q.     And it's your testimony that you never did any  
10    of that?

11                    MS. PEERY: Objection, form.

12           A.     That is correct.

13                    MR. EKELAND: Directing -- if I could get  
14    page 19 up.

15                    And if we could highlight the client  
16    directed tracking URLs section with the two links  
17    underneath it.

18           A.     I have read the statement in front of me.

19           Q.     (BY MR. EKELAND) And so you see the phrase  
20    "Client-directed tracking URLs." Correct?

21           A.     I do see that.

22           Q.     What's your understanding of that phrase?

23                    MS. PEERY: Objection, form.

24           Q.     (BY MR. EKELAND) You can answer.

25           A.     I didn't write that statement. I can't

1 interpret it.

2 Q. You see how underneath it, it says:  
3 Melody\_Cantu, and next to it it says https: and it's  
4 followed by some other stuff.

5 Do you see that?

6 A. I do.

7 Q. And it's your testimony here today that you  
8 never sent that link to either of the Cantus in any  
9 way, shape or form.

10 A. That is correct.

11 Q. And do you see where it says Rodrigo\_Cantu and  
12 there's https: and the rest (indiscernible). It's your  
13 testimony here today that you never sent that link out  
14 to either of the Cantus. Correct?

15 A. That is correct.

16 MR. EKELAND: If we could now highlight  
17 all the DFC directed tracking URL section.

18 A. I see the statement.

19 Q. (BY MR. EKELAND) And so you see the phrase  
20 DFC directed tracking URLs.

21 Correct?

22 A. I do.

23 Q. What's your understanding of that phrase?

24 MS. PEERY: Objection, form.

25 Q. (BY MR. EKELAND) You can answer.

1           A.     I didn't write it so I'm not going to  
2 speculate what it means.

3           Q.     And so you see underneath it where it says  
4 Melody\_Joy\_from\_Teresa and everything that follows in  
5 that line?

6           A.     Yes, I do see it.

7           Q.     And it's your testimony here today that that  
8 link that starts with the https you never sent to  
9 either of the Cantus in any way, shape or form.

10           MS. PEERY: Objection.

11           A.     That is accurate.

12           Q.     (BY MR. EKELAND) And directing your attention  
13 to the next line, it's Dr.Cantu\_from\_Melissa, followed  
14 by a hypertense link -- hypertense link https.

15                   It's your testimony here today that you  
16 never sent that link to plaintiffs in any way, shape or  
17 form.

18           MS. PEERY: Objection, form.

19           A.     That is correct.

20           Q.     (BY MR. EKELAND) And directing your attention  
21 to the Melody\_Joy\_via\_Phone and the link that follows  
22 that, is it your testimony here today that you never  
23 sent that in any way, shape or form to the plaintiff?

24           MS. PEERY: Objection, form.

25           A.     That is correct.

1 MR. EKELAND: If we could go to the first  
2 bullet point in the box in the bottom of this page  
3 right under important.

4 Q. (BY MR. EKELAND) Can you let me know when  
5 you're done reading.

6 A. I have read the statement.

7 Q. And so you've never ever notified DFC that you  
8 sent out tracking URLs to the Cantus. Correct?

9 A. That is correct.

10 MR. EKELAND: If you could go to page 21,  
11 please.

12 Q. (BY MR. EKELAND) And if we could look at  
13 the -- you can see the whole thing.

14 Do you see the tracking link up at the  
15 top where it says Melody\_Joy\_via\_Phone?

16 A. I do see that.

17 Q. And that's one of the DFC directed links we  
18 just looked at. Correct?

19 MS. PEERY: Objection, form.

20 A. I assume that it is. I do not --

21 Q. (BY MR. EKELAND) We can match them so I'm not  
22 worried about it.

23 And underneath you see --

24 MS. PEERY: Form.

25 Q. (BY MR. EKELAND) -- a table that says first

1 click, and then you see another header that says second  
2 click.

3 Do you see that information?

4 A. I do.

5 Q. That's information extracted from plaintiffs'  
6 computers and smartphones. Correct?

7 MS. PEERY: Objection, form.

8 A. I -- I do not know. This was created by DFC,  
9 but I could assume the same thing that you are.

10 Q. (BY MR. EKELAND) It's what you paid them to  
11 do.

12 MS. PEERY: Objection, form.

13 Q. (BY MR. EKELAND) You can answer.

14 A. I'm sorry, Mr. Ekeland, was there a question?

15 Q. Yes.

16 The information that you're looking at in  
17 this table, it's what you paid DFC to get for you.

18 MS. PEERY: Objection, form.

19 A. I'm not sure I completely agree with that  
20 statement. I did pay them to find who has been hacking  
21 my -- or making hacking attempts on my systems.

22 Q. But you did pay them to write this Phase I  
23 report. Correct?

24 MS. PEERY: Objection, form.

25 A. I did. I did.

1 MR. EKELAND: Could you go to page 23.

2 VIDEOGRAPHER: I'm sorry. You cut out.

3 Page what?

4 MR. EKELAND: Oh, I'm sorry, page 23.

5 And if we could highlight the first  
6 bullet point.

7 A. I have read the statement.

8 Q. (BY MR. EKELAND) And do you see the last  
9 clause there, it says: We conclude that a Phase II  
10 forensics examination is recommended.

11 Correct?

12 A. That is what it states.

13 Q. And you agreed with that conclusion. Correct?

14 MS. PEERY: Objection, form.

15 A. I don't know if I agree with that.

16 Q. (BY MR. EKELAND) Well, you did testify  
17 earlier that you took a copy of this Phase I report  
18 down to the San Antonio Police Department. Correct?

19 MS. PEERY: Objection, form.

20 A. That is a correct statement.

21 Q. (BY MR. EKELAND) And you did tell the  
22 San Antonio Police Department that in order to get a  
23 Phase II report, you needed to file a police report.  
24 Correct?

25 MS. PEERY: Objection, form.

1           A.     Yes. I told them that I needed to file a  
2 police report if I was going to have Digital Forensics  
3 Corporation continue their investigation.

4           Q.     (BY MR. EKELAND) And you'd read the sample  
5 police report that we reviewed earlier now before you  
6 told the police that. Correct?

7                     MS. PEERY: Objection, form.

8           A.     I had read the Digital Forensics Phase I  
9 report in its entirety before I went to file a police  
10 report.

11          Q.     (BY MR. EKELAND) And that was a "yes."

12                     MS. PEERY: Objection, form.

13                     MR. EKELAND: Directing your attention to  
14 page 24.

15                     VIDEOGRAPHER: I'm sorry. You cut out  
16 again. Page what?

17                     MR. EKELAND: Oh, I'm sorry. Page 24.

18                     VIDEOGRAPHER: Thank you.

19                     MR. EKELAND: And if we could highlight  
20 the first bullet point.

21          A.     I have read the statement.

22          Q.     (BY MR. EKELAND) And so you see where it  
23 says: File a police report with the appropriate police  
24 department.

25                     And you did do that like you said at the

1 San Antonio Police Department. Correct?

2 A. I did file a police report with the  
3 San Antonio Police Department.

4 Q. And when you filed that police report with the  
5 San Antonio Police Department, did you attach a copy of  
6 the Phase I report?

7 MS. PEERY: Objection, form.

8 A. I did.

9 Q. (BY MR. EKELAND) Did you supplement the  
10 police report with anything else?

11 MS. PEERY: Objection, form.

12 A. If the -- I'm not sure if I got asked for a  
13 supplement, there was additional information that was  
14 provided to the San Antonio Police Department.

15 Q. (BY MR. EKELAND) And what additional  
16 information was that?

17 A. The information that I was aware of including  
18 previous police reports, letters sent from my attorney  
19 asking her to not contact me, information about  
20 contacting my place of work. That was information that  
21 I also shared with the San Antonio Police Department.

22 Q. And you produced that to us. Correct?

23 MS. PEERY: Objection, form.

24 A. I do not have a copy of what I gave them.

25 Q. (BY MR. EKELAND) You've searched for a copy?



1 MS. PEERY: Objection, form.

2 A. I was never given a copy.

3 Q. (BY MR. EKELAND) Have you searched for the  
4 information that you gave to the San Antonio Police  
5 Department?

6 MS. PEERY: Objection, form.

7 A. I have -- the information I have access to, I  
8 have searched and it has been provided.

9 Q. And drawing your attention to the next bullet  
10 point.

11 A. I see the statement.

12 Q. So you see it says: Provided time stamped  
13 copy of the police report containing this Phase I  
14 Evaluation Report to DFC.

15 Did you do that?

16 A. I did not.

17 Q. Drawing your attention to the next bullet  
18 point directly underneath the one we're looking at.

19 A. I see the statement.

20 Q. And as you previously testified, you did not  
21 send out a DFC tracking URLs to plaintiffs. Correct?

22 A. That is correct.

23 Q. And directing your attention to the last  
24 bullet point.

25 A. I do see that.

1           Q.     Did you alert DFC of any ongoing cyber  
2 harassment?

3                   MS. PEERY:   Objection, form.

4           A.     I did not.

5                   MR. EKELAND:   We're done with this  
6 exhibit.

7           A.     Can we take a break?

8           Q.     I was thinking the same thing.

9                   MR. EKELAND:   Brandy, are you okay with  
10 taking a break now?

11                   MS. PEERY:   Okay.   Short break, 10  
12 minutes.

13                   MR. EKELAND:   Yeah.   Let's do 10 minutes.

14                   MS. PEERY:   Sounds good.

15                   VIDEOGRAPHER:   Going off the video  
16 record.

17                   (A recess was taken.)

18                   VIDEOGRAPHER:   We're back on the video  
19 record.   This is the media file number 2.   The time is  
20 11:39 a.m.

21           Q.     (BY MR. EKELAND)   Dr. Guerra, are you ready to  
22 go again?

23           A.     I am.

24           Q.     Standard question.

25                   Did you ingest any drugs or alcohol or is

1     there -- did anything happen over the break that would  
2     prevent you from testifying truthfully now?

3             A.     No.

4                     (Exhibit F was marked.)

5                     MR. EKELAND:   If we could get Exhibit F  
6     up, please.

7             Q.     (BY MR. EKELAND)   And if you could just take a  
8     look at that and let me know when you're done.

9             A.     I see it.

10            Q.     Now, this is a -- a table that you produced to  
11    us.   Correct?

12            A.     That is correct.

13            Q.     And I think yesterday you produced another 42  
14    pages of this table of texts.

15                    How did you compile this table?

16            A.     I downloaded a program on to my computer that  
17    would take text messages from my phone with a phone  
18    number and be able to compile a summary of all text  
19    messages between myself and another phone number.

20            Q.     And what software was that?

21            A.     I believe the software is called  
22    Export-Message.

23            Q.     And did you pay for that software?

24            A.     I do not recall.

25            Q.     And what phone numbers did you use the

1 software on?

2 A. On Dr. David Cantu's, my ex-husband.

3 Q. And no other phone number?

4 A. Correct.

5 Q. And you still have the file saved on your  
6 computer that this software produced?

7 A. I do.

8 Q. And the tables that you just produced to us  
9 last night, is that the complete set of your text  
10 extractions?

11 A. It is.

12 Q. Have you downloaded any other kinds of  
13 software or used any kind of software yourself to  
14 search or compile for information related to this case?

15 A. I'm sorry. I need a clarification on that  
16 question.

17 Q. Sure.

18 Just like you downloaded this software to  
19 compile these tests, have you downloaded or used any  
20 other kind of software to compile or search for  
21 information related to this case?

22 A. Not that I can recall.

23 Q. How about to investigate -- withdrawn.

24 And what phone was this that -- was  
25 this -- what -- this was for the software you used to

1 compile this, you were using it to analyze the messages  
2 sent to your phone from David Cantu. Is that correct?

3 A. I would not use the word "analyze."

4 Q. What word would you use?

5 A. Compile.

6 Q. And so you solely compiled information related  
7 to Dr. Cantu's phone number.

8 MS. PEERY: Objection, form.

9 Q. (BY MR. EKELAND) You can --

10 A. I'm sorry. You cut out.

11 Q. I'm sorry.

12 So the software that you used to compile  
13 these texts, you only used it to compile texts from  
14 Dr. Cantu's phone number. Is that correct?

15 MS. PEERY: Objection, form.

16 A. That is correct.

17 Q. (BY MR. EKELAND) Did you use that software  
18 for anything else?

19 MS. PEERY: Objection, form.

20 A. No.

21 (Exhibit J was marked.)

22 MR. EKELAND: If we could get Exhibit J  
23 up.

24 Q. (BY MR. EKELAND) Just take a look at that and  
25 let me know when you're done.

1 A. Okay.

2 Q. Do you recognize this document?

3 A. I do.

4 Q. What is it?

5 A. It is a Motion for the Enforcement of  
6 Possession or Access and Order to Appear.

7 Q. And Dr. Cantu filed that motion against you.  
8 Correct?

9 A. I believe so.

10 Q. And you have no reason to doubt the file stamp  
11 that's sideways on the side if it that says it was  
12 filed by the district clerk of Bexar County on  
13 May 22nd, 2018. Correct?

14 A. Correct. It's pronounced "bear."  
15 But yes, you're correct.

16 Q. Bexar County. Thank you.

17 MR. EKELAND: You can take Exhibit J  
18 down.

19 Now let's go to Exhibit N.

20 (Exhibit N was marked.)

21 Q. (BY MR. EKELAND) And just let me know when  
22 you're done looking at the front page.

23 A. I have seen it.

24 Q. And do you recognize this document?

25 A. I do.

1 Q. What is it?

2 A. It is a report from Detective.com.

3 Q. And is this what you were referencing earlier  
4 in your testimony when you were talking about hiring a  
5 private investigator. Correct?

6 MS. PEERY: Objection, form.

7 A. That is correct.

8 Q. (BY MR. EKELAND) And you paid Detective.com  
9 for its services. Correct?

10 A. I believe so.

11 Q. Do you remember how much you paid?

12 A. Not off the top of my head, no.

13 Q. Did you sign up for those services via Web  
14 site?

15 A. I cannot recall.

16 Q. But you communicated with Detectives.com  
17 through the e-mail. Correct?

18 A. The report came by e-mail. I communicated by  
19 phone with somebody.

20 Q. Do you know the name of the person that you  
21 communicated with?

22 A. I do not recall.

23 Q. Have you searched for your e-mails with  
24 Detectives.com?

25 MS. PEERY: Objection, form.

1 A. Yes.

2 Q. (BY MR. EKELAND) And did you find them?

3 A. The report that you see in front of you is  
4 what I received by e-mail.

5 Q. It was attached to an e-mail?

6 A. Most likely.

7 Q. Have you produced that e-mail?

8 A. I do not know.

9 Q. When you searched for e-mails with  
10 Detective.com, how many e-mails did you find?

11 A. I do not recall.

12 MS. PEERY: Form.

13 Q. (BY MR. EKELAND) But you produced to us the  
14 ones that you found. Correct?

15 A. It could be produced.

16 Q. And you could go back and look in your phone  
17 records to see whether you made phone calls to  
18 Detectives.com. Correct?

19 MS. PEERY: Objection, form.

20 A. I would imagine I could.

21 Q. (BY MR. EKELAND) So directing your attention  
22 to the paragraph that starts with the bold word  
23 Summary, just take a look at that.

24 A. I have read the statement.

25 Q. Is that an accurate statement of what you



1 asked them to do for you?

2 MS. PEERY: Objection, form.

3 A. I cannot recall.

4 Q. (BY MR. EKELAND) Do you have any reason to  
5 doubt that's an accurate statement of what you asked  
6 them to do for you?

7 MS. PEERY: Objection, form.

8 A. No.

9 MR. EKELAND: If we go to page 3, please.

10 And if we could go to the second full  
11 paragraph up from the bottom starting with: Most  
12 everyone who investigators talked.

13 A. I've read it.

14 Q. (BY MR. EKELAND) Do you have any reason to  
15 believe that Detectives.com isn't telling you the truth  
16 about what they found when they investigated?

17 MS. PEERY: Objection, form.

18 A. Can you restate the question.

19 Q. (BY MR. EKELAND) Do you have any reason to  
20 believe that that statement that you just read isn't  
21 accurate?

22 MS. PEERY: Objection, form.

23 A. No.

24 MR. EKELAND: If we could go to the last  
25 page, please, it's page 19.

1 Q. (BY MR. EKELAND) And if we could -- directing  
2 your attention to the first full paragraph on that  
3 page.

4 A. I have read it.

5 Q. So you see that it says: In conclusion agents  
6 spoke with a multitude of various sources who indicated  
7 that they had never heard of any type of harassment  
8 charges, allegations of harassment, arrests for any  
9 type of domestic disturbances, assault or battery  
10 within the family unit and indicated that the subject  
11 appears to have always been a good housewife and a  
12 mother and a wonderful neighbor.

13 Do you have any reason to doubt that  
14 Detectives.com truly believed that?

15 MS. PEERY: Objection, form.

16 A. I do not think I am someone who can speak to  
17 what Detectives.com believed.

18 Q. (BY MR. EKELAND) Do you have any reason to  
19 believe that that's not an accurate statement?

20 MS. PEERY: Objection, form.

21 A. I have no -- no. I do not have any reason to  
22 believe anything different.

23 Q. (BY MR. EKELAND) After you received this  
24 report, did you ask Detectives.com to do any more work  
25 for you?

1           A.     I did not.

2                       MR. EKELAND:   I'm done with Exhibit N.

3           Q.     (BY MR. EKELAND)   And you recall filing a  
4   complaint with Child Protective Services against Melody  
5   Joy Cantu.   Correct?

6                       MS. PEERY:   Objection, form.

7           A.     I -- I did file a complaint with Child  
8   Protective Services.

9                       MR. EKELAND:   If I could get Exhibit I  
10   and the lower case A up.

11                      (Exhibit I-A was marked.)

12          Q.     (BY MR. EKELAND)   Just take a look at that and  
13   let me know when you're done.

14          A.     The print is very small.   If you want me to  
15   read it, it would need to be enlarged, but I have seen  
16   the page that you're showing.

17          Q.     And we can blow up anything that you want us  
18   to so why don't we start --

19                      Well, first of all have you -- do you  
20   recognize this document?

21          A.     It -- yes, I recognize the document.

22          Q.     You've seen it before.

23          A.     Yes.

24          Q.     When did you first see it?

25          A.     I cannot recall.   It was during family custody

1 situation.

2 Q. But this was the CPS Investigation Report  
3 generated as a result of your complaint. Correct?

4 MS. PEERY: Objection, form.

5 A. That is what it appears to be, yes.

6 Q. (BY MR. EKELAND) And that's your name right  
7 up on the upper right-hand side where it says: Case  
8 name: Guerra, Sandra.

9 Right?

10 A. I did not write that.

11 Q. But you did make the complaint to CPS.  
12 Correct?

13 MS. PEERY: Objection, form.

14 A. Yes.

15 Q. (BY MR. EKELAND) And this investigation  
16 report is a direct result of your complaint with CPS.  
17 Correct?

18 MS. PEERY: Objection, form.

19 A. That is, I think, a safe assumption, but I  
20 don't know that for a fact.

21 Q. (BY MR. EKELAND) And you see on the left-hand  
22 side at the top where it says "Intake Received."

23 And then there's the date May 29th, 2018?

24 A. I do see that.

25 Q. And that's the date that you made the

1 complaint to CPS. Correct?

2 A. Correct.

3 Q. And you see a few lines underneath that where  
4 it says: Overall disposition: Ruled out.

5 Correct?

6 A. That is what it says, yes.

7 Q. And the reason that CPS closed this  
8 investigation or ruled it out is because they found  
9 that there was no foundation for your claims. Correct?

10 MS. PEERY: Objection, form.

11 A. I cannot tell you the process of CPS and how  
12 they make determinations.

13 MR. EKELAND: If we could go to what's in  
14 the tiny, tiny, tiny Bates numbers on the right-hand  
15 side to Bates number page 15.

16 Well done.

17 If we can highlight that paragraph in the  
18 middle that has the redaction in it that starts with  
19 6.6.18 dispositional staffing.

20 A. I have read that.

21 Q. (BY MR. EKELAND) And so you've seen that it  
22 says: This case is being close -- it's a typo -- it  
23 should say closed -- ruled out and abbreviated. This  
24 case is clearly not a CPS issue and more of a custody  
25 issue.

1 Then there's a redacted line.

2 (Reading) The children were observed to  
3 be free from marks and bruising and there was no outcry  
4 made. There is no reason for CPS to be involved with  
5 this family. The children reside with Ms. Guerra and  
6 they are refusing to go with their father because he is  
7 back in a relationship with Joy. Mr. Cantu and Joy do  
8 not reside in the same residence and Joy has not had  
9 contact with the girls since 2015.

10 After this report was issued, did you ask  
11 CPS to reopen their investigation?

12 MS. PEERY: Object to form.

13 A. No.

14 MR. EKELAND: I'm done with this exhibit.  
15 If I could just get Exhibit K, lower case  
16 a [sic] up, please.

17 (Exhibit K-A was marked.)

18 Q. (BY MR. EKELAND) Just take a look at that and  
19 let me know when you see it -- or when you're done with  
20 it. Sorry.

21 A. Okay. I have seen it.

22 Q. And so you could see it's an e-mail from  
23 Barry Efron to Tina Torres. Right?

24 A. That is what it appears to be.

25 Q. And Barry Efron was a lawyer for the Cantus in

1 the civil custody matter we just discussed. Correct?

2 A. He was a lawyer for Dr. David Cantu.

3 Q. And Tina Torres was your lawyer at the time.  
4 Correct?

5 A. Yes.

6 Q. And this e-mail is saying that you've been  
7 noticed for deposition in the civil case on  
8 October 4th. Correct?

9 MS. PEERY: Objection, form.

10 A. It's an e-mail between two people, but yes,  
11 that's what it appears to say.

12 Q. (BY MR. EKELAND) But you communicated with  
13 your lawyer during the civil case. Correct?

14 MS. PEERY: Objection, form.

15 Do not answer any questions regarding  
16 your communications, privileged communications with  
17 your attorney.

18 Q. (BY MR. EKELAND) The fact that you had the  
19 communication is not privileged. The subject matter of  
20 the communication is privileged.

21 MS. PEERY: You're asking her --

22 MR. EKELAND: I'm asking her if she  
23 communicated with her lawyer during the civil case. I  
24 am not asking the subject matter of the communication.

25 MS. PEERY: Objection, form.

1 Q. (BY MR. EKELAND) Fine. You can answer.

2 Did you communicate with your lawyer  
3 Tina Torres during the civil case?

4 A. Yes.

5 Q. And as a matter of fact, you did testify at  
6 this deposition in the civil case on October 4th. Is  
7 that correct?

8 A. I did.

9 Q. And after you testified in that deposition,  
10 you had an opportunity to review the deposition  
11 transcript and correct any errors. Correct?

12 A. I believe so.

13 MS. PEERY: Objection, form.

14 MR. EKELAND: I'm done with this exhibit.  
15 If I could get exhibit M, please.

16 (Exhibit M was marked.)

17 Q. (BY MR. EKELAND) (Indiscernible).

18 A. I'm sorry. I did not hear you.

19 Q. I'm getting a -- did you get the feedback  
20 loop? I got a feedback loop there for a second.

21 Can you hear me now?

22 Okay. I don't hear it now.

23 If you can just take a look at that and  
24 let me know when you're done.

25 A. I see it.



1 Q. Do you recognize it?

2 A. No.

3 Q. Okay. Do you see up at the top on the upper  
4 left-hand side where it says Police Report all the way  
5 on the top on the left?

6 A. I do.

7 Q. Do you see how it says San Antonio Police  
8 Department?

9 A. I do.

10 Q. And do you see how it says Primary Offense:  
11 Harassment?

12 A. Yes.

13 Q. It's in the upper right-hand.

14 And then underneath that there's a box  
15 that says date and time occurred. And it says from  
16 April 4th, 2018, to September 4th, 2018?

17 A. I see those dates, yes.

18 Q. And that's the date range that you told the  
19 San Antonio Police Department that you were -- the  
20 harassment -- alleged harassment occurred in. Correct?

21 MS. PEERY: Objection, form.

22 A. I do not recall.

23 MR. EKELAND: If we could go to page 2  
24 of 3.

25 And if we could go to the bottom of the

1 page and highlight the two boxes, the one that have  
2 Cantu in them and then --

3 There you go.

4 Q. (BY MR. EKELAND) If you could take a look at  
5 that for me, please.

6 A. I read it.

7 Q. So you see the sentence that starts about  
8 halfway in the second up from the bottom halfway in  
9 where the sentence starts V1, which is you. Right? V1  
10 is you. Correct?

11 A. (No audible answer.)

12 Q. It says: V1 stated she hired a forensic  
13 computer service to find out who the IP address belongs  
14 to that has done all this. V1 stated that they  
15 verified it was SP1.

16 Is that correct?

17 MS. PEERY: Objection, form.

18 A. That is what it states. You read it  
19 correctly.

20 Q. (BY MR. EKELAND) Did you tell the San Antonio  
21 Police Department that Digital Forensics Corporation  
22 had verified the fact that your harasser was Melody Joy  
23 Cantu?

24 A. I do not recall.

25 Q. Then going to the next sentence there -- and

1 we'll have to go on to the next page -- it says: V1  
2 stated they then suggested V1 --

3 MR. EKELAND: And if you could go to the  
4 next page.

5 Q. (BY MR. EKELAND) It says: V1 stated they  
6 then suggested V1 file a police report.

7 And that suggestion came from the Phase I  
8 report. Correct?

9 A. It did, yes.

10 Q. And then they say they furnished you with a  
11 SAPD form CIC-01 for follow-up.

12 Is that accurate?

13 MS. PEERY: Objection, form.

14 A. I do -- I do not recall.

15 Q. (BY MR. EKELAND) Have you searched your  
16 records for everything related to your police report?

17 A. Yes. Yes.

18 MS. PEERY: Objection, form.

19 Q. (BY MR. EKELAND) So you don't recall whether  
20 or not you filled out the SAPD form CIC-01?

21 MS. PEERY: Objection, form.

22 A. I do not believe I filled out a form after my  
23 police report was completed.

24 Q. (BY MR. EKELAND) But you did follow up with  
25 the police. Correct?

1 MS. PEERY: Objection, form.

2 A. I do not recall following up with the police.

3 Q. (BY MR. EKELAND) Did you talk to the district  
4 attorney's office about this case?

5 A. I do not recall if I spoke with the district  
6 attorney's office about the case.

7 Q. Have you searched your records, your e-mails  
8 and everything for all your communications with the  
9 district attorney related to this harassment complaint?

10 MS. PEERY: Objection, form.

11 A. Yes.

12 Q. (BY MR. EKELAND) And did you find  
13 communications?

14 MS. PEERY: Objection, form.

15 A. No.

16 Q. (BY MR. EKELAND) Is it your testimony here  
17 today that you never communicated with the district  
18 attorney's office in relation to this harassment  
19 complaint that you filed?

20 MS. PEERY: Objection, form.

21 A. That is not my testimony.

22 Q. (BY MR. EKELAND) So you did communicate with  
23 the district attorney's office?

24 MS. PEERY: Objection, form.

25 A. I had voice conversations with someone from

1 the district attorney's office not related to this  
2 filing of a police report.

3 Q. (BY MR. EKELAND) What was it in relation to?

4 A. I was contacted by the district attorney's  
5 office sometime after it was made aware to me that  
6 Ms. Cantu had been arrested.

7 Q. And you cooperated with the district  
8 attorney's office in her prosecution. Correct?

9 MS. PEERY: Objection, form.

10 A. I provided any information that they  
11 requested, which I don't believe they requested  
12 anything. So I would say yes, I cooperated.

13 Q. (BY MR. EKELAND) Who did you talk to at the  
14 district attorney's office?

15 A. I don't recall.

16 Q. Do you recall how you communicated?

17 A. By phone.

18 Q. So you can search for phone records and bills  
19 and find out whether you talked to them?

20 MS. PEERY: Objection, form.

21 Q. (BY MR. EKELAND) You can answer.

22 A. I didn't hear a question. I'm sorry. Please  
23 restate.

24 Q. Oh. I said so you could search for phone  
25 records and find out when you talked to the district

1 attorney's office. Correct?

2 MS. PEERY: Objection, form.

3 A. Yes.

4 Q. (BY MR. EKELAND) Did the district attorney's  
5 office ask you to fill out any affidavits?

6 A. Not that I recall.

7 Q. Did you provide any information to them at all  
8 in any form, whether written, recorded or otherwise?

9 MS. PEERY: Objection, form.

10 A. Not that I recall.

11 MR. EKELAND: Okay. I'm done with  
12 Exhibit M.

13 Q. (BY MR. EKELAND) And you're aware that your  
14 initial report or complaint to the San Antonio Police  
15 Department is on video. Correct?

16 MS. PEERY: Objection, form.

17 A. You have provided a copy of that recording.  
18 Other than that I didn't have any reason to know that.

19 Q. (BY MR. EKELAND) Have you viewed the video  
20 before?

21 MS. PEERY: Objection, form.

22 A. Yes.

23 Q. (BY MR. EKELAND) And that is you in the  
24 video?

25 MS. PEERY: Objection, form.

1           A.     If we -- I want to make sure we're very  
2     specific which video you're talking about. It was me  
3     making a police report at the San Antonio Police  
4     Department Prue-Substation.

5           Q.     (BY MR. EKELAND) Right. And it's on body cam  
6     footage from an officer. I could play it, but I don't  
7     think I need to.

8                     MS. PEERY: Objection, form.

9           Q.     (BY MR. EKELAND) Recently you were involved  
10    in a lawsuit with one of your employers Humana.  
11    Correct?

12          A.     There was a lawsuit, yes, that has been  
13    resolved.

14                  MR. EKELAND: Could I get Exhibit R,  
15    please.

16                     (Exhibit R was marked.)

17          Q.     (BY MR. EKELAND) Take a look at that and let  
18    me know when you're done. And we can scroll through  
19    the pages if you want.

20          A.     I've seen it.

21          Q.     And this is a news article about the lawsuit  
22    with Humana. Correct?

23                     MS. PEERY: Objection, form.

24          A.     I believe it is a news article, yes.

25          Q.     (BY MR. EKELAND) And directing your attention

1 to the bottom paragraph in the news article.

2 A. Yes, I've seen that.

3 Q. And you were accused -- you were accused by a  
4 subordinate of harassment. Correct?

5 MS. PEERY: I'm going to object and  
6 instruct the witness not to answer. There is a  
7 settlement agreement that has a confidentiality and  
8 disclosure provisions that prohibits Dr. Guerra from  
9 commenting on the lawsuit other than to say that there  
10 was a lawsuit and the lawsuit was resolved. Absent a  
11 court order, she cannot respond to these questions.

12 So I'm going to instruct her to -- not to  
13 respond. I understand you need to get your questions  
14 on the record, assuming if you want to go before the  
15 judge on this issue so I'm fine with that. So in lieu  
16 of me repeating this same instruction when you ask your  
17 question, I'll just say "Same instruction" and if we  
18 can have an agreement we understand that that's what  
19 this is referring to, then it might make this go  
20 easier.

21 MR. EKELAND: Yeah, that's fine. Or do  
22 you want to do a blanket objection to all of it and  
23 then we'll go to the court and see if we can get an  
24 order to get the testimony?

25 MS. PEERY: That's fine. But there may



1 still be some specific questions that I want to make  
2 sure we're specifically giving her the instruction not  
3 to answer just so we're not just covered with the  
4 court, but we're covered with Humana as well.

5 MR. EKELAND: Yeah. And just --

6 Okay. It's fine. Why don't we just go  
7 through this and then we'll just say you're objecting  
8 on the grounds that you just objected on and use  
9 whatever phrase you want to use to do that. That's  
10 fine. I'm okay with that.

11 Q. (BY MR. EKELAND) So going back to the  
12 paragraph you just reviewed, that's an accurate  
13 statement, isn't it?

14 MS. PEERY: Objection -- same objection.  
15 Instructing the witness not to respond.

16 Q. (BY MR. EKELAND) And you went into mediation  
17 over these claims. Correct?

18 MS. PEERY: Same objection.  
19 Same instruction.

20 Q. (BY MR. EKELAND) And you ultimately settled  
21 these claims. Correct?

22 MS. PEERY: Same instruction --  
23 Well, you may answer that one.

24 A. Mr. Ekeland, can you repeat the question.

25 Q. (BY MR. EKELAND) Oh, yeah. I'm sorry.

1                   You eventually settled this lawsuit with  
2 Humana. Correct?

3           A.     The lawsuit has been settled, yes.

4           Q.     Okay.

5                   MR. EKELAND: If we could go -- is there  
6 anything left in this article because my page printed  
7 out blank so I just need to see the rest of it.

8                   Okay. If we could go to the third  
9 paragraph.

10           Q.     (BY MR. EKELAND) Just let me know when you  
11 are done reading.

12           A.     I am done reading it.

13           Q.     And that's an accurate statement that you sent  
14 sexually suggestive texts to a subordinate. Correct?

15                   MS. PEERY: Same objection.

16                   Same instruction.

17                   MR. EKELAND: I'm not asking her about  
18 the settlement. I'm asking if that's a true statement  
19 and that has nothing to do with the settlement.

20                   MS. PEERY: As I stated previously on the  
21 record, the terms and conditions of the settlement  
22 agreement, including confidentiality, prohibit  
23 Dr. Guerra from making any statements absent a court  
24 order other than there was a lawsuit and the lawsuit  
25 has been resolved.

1                   So same -- same objection.

2                   Same instruction. Do not answer.

3                   MR. EKELAND: Okay. If we could just  
4 take the paragraph down, but I want to look at the rest  
5 of this page.

6                   If you could highlight the next  
7 paragraph.

8           A. I see the statement.

9           Q. (BY MR. EKELAND) And it's an accurate  
10 statement. Correct?

11                  MS. PEERY: Same objection.

12                  Same instruction.

13                  MR. EKELAND: If we could take that  
14 paragraph down and if we could go to the paragraph that  
15 starts with the quotations from the Humana human  
16 resources executive.

17                  MS. PEERY: And I object to  
18 characterization of this statement but --

19           Q. (BY MR. EKELAND) I just highlighted the  
20 paragraph that states: Dr. Guerra admitted to her  
21 behavior and comments.

22           A. I have read it.

23           Q. You were terminated by Humana?

24                  MS. PEERY: Same objection.

25                  Same instruction.

1                   MR. EKELAND: How is the fact whether or  
2 not she was terminated by Humana covered by this  
3 settlement agreement?

4                   MS. PEERY: Well, I can't get into that  
5 because that is the subject of the settlement  
6 agreement.

7                   So same objection.

8                   Same instruction. And you can take that  
9 up with the court.

10                  MR. EKELAND: Counselor, that makes no  
11 sense. This is a public statement from Humana and  
12 whether or not she was fired is outside the scope of  
13 the settlement agreement. We will take this up with  
14 the court.

15                  MS. PEERY: That's fine.

16                  MR. EKELAND: And we are going to ask to  
17 see the settlement agreement so --

18                  MS. PEERY: You can -- we will comply --  
19 On the record -- on the record -- on the  
20 record we will comply with any order of the court.

21                  MR. EKELAND: All right. And you also --  
22 well, we'll go there.

23                  Q. (BY MR. EKELAND) So do you know Ricky D.  
24 Edwards?

25                  MS. PEERY: You may answer.

1           A.     I know who Ricky Edwards is, yes.

2           Q.     (BY MR. EKELAND) And he was the Humana human  
3 resources executive?

4                     MS. PEERY: You may answer.

5           A.     I do not know his title.

6           Q.     (BY MR. EKELAND) If we could go to the next  
7 paragraph.

8           A.     I've read it.

9           Q.     Is that an accurate statement that you  
10 originally sued Humana in state district court in San  
11 Antonio seeking damages ranging from \$25,000 to one  
12 million plus unspecified punitive damages.

13                     Is that a true statement?

14                     MS. PEERY: You may answer.

15           A.     That is correct.

16           Q.     (BY MR. EKELAND) And then the lawsuit was  
17 moved to federal court in San Antonio after that.  
18 Correct?

19                     MS. PEERY: You may answer.

20           A.     Yes.

21                     MR. EKELAND: Okay. You can take this  
22 one down.

23           Q.     (BY MR. EKELAND) Dr. Guerra, you're not  
24 texting or you don't have any chat windows or anything  
25 like that in front of you, do you?

1           A.     I do not.

2                     (Exhibit K was marked.)

3           MR. EKELAND:   If I could get Exhibit K,  
4     please.

5                     And I have lost my image here.

6           VIDEOGRAPHER:   Do we need to go off the  
7     video.

8           MR. EKELAND:   Nah, I'm good.   I'm good.  
9     I got it back, just too many monitors, too many windows  
10    open.

11          Q.     (BY MR. EKELAND)   If you could just take a  
12    look at that and let me know when you're done looking  
13    at it.

14          A.     I do see it.

15          Q.     And do you see this is a letter from our law  
16    firm to Tina Torres.

17                     And tina Torres was your lawyer at the  
18    time.   Correct?

19                     MS. PEERY:   Objection, form.

20          A.     Yes.

21          Q.     (BY MR. EKELAND)   And this is a evidence  
22    preservation notice for this case.   Correct?

23                     MS. PEERY:   Objection, form.

24          A.     That is what it appears to be.

25          Q.     (BY MR. EKELAND)   Have you seen it before?

1           A.     Yes.

2           Q.     And you see the date up on the top of  
3     September 25th, 2019.   Correct?

4           A.     I do.

5                   MR. EKELAND:   I'd like to take a short  
6     break -- 10-minute break just to see what other  
7     questions I have.

8                   MS. PEERY:   No problem.

9                   MR. EKELAND:   This may be a short one  
10    today.   I don't know.   Don't hold me to that, but I  
11    have to check out stuff.   Let's call it -- what is  
12    it -- I don't even know what time it is now.

13                   MS. PEERY:   It's like 11:30.   So you want  
14    to say 10 minute -- well, it's a little before 11:30.  
15    Let's just say 11:40.

16                   MR. EKELAND:   Yeah.   That sounds good.

17                   VIDEOGRAPHER:   Going off the video  
18    record.   We're off.

19                           (A recess was taken.)

20                   VIDEOGRAPHER:   We're back on the video  
21    record at 12:42 p.m.

22           Q.     (BY MR. EKELAND)   Dr. Guerra, a standard  
23    question.

24                           Did you take any drugs, ingest any  
25    alcohol or did anything happen on the break that would

1 render it impossible for you to testify truthfully?

2 A. No.

3 Q. Okay. If we could get -- well, I've got to  
4 mop up a question.

5 One is do you recall what type of phones  
6 you had during the time period you were communicating  
7 with DFC?

8 A. My recollection is I have had an iPhone for  
9 the last 15 years so some type of iPhone. I don't  
10 remember which one.

11 Q. Do you have an iCloud account?

12 A. Yes.

13 Q. Also, did you ever file a complaint or any  
14 kind of report about DFC with the Better Business  
15 Bureau?

16 A. I did not.

17 (Exhibit T was marked.)

18 MR. EKELAND: If we could go to  
19 Exhibit T.

20 A. I see the document.

21 Q. (BY MR. EKELAND) Have you seen this document  
22 before?

23 A. I don't recall.

24 Q. Okay. Could we go -- well, do you have any  
25 reason to doubt that this is the -- your objections and



1 responses to Plaintiffs' First Request for Production  
2 of Documents?

3 MS. PEERY: Objection, form.

4 A. I have no reason to doubt it.

5 MR. EKELAND: If we could go to page 2,  
6 please.

7 Q. (BY MR. EKELAND) And do you see the signature  
8 block signed by Ricardo Cedillo. And there's Brandy  
9 Peery's name on there.

10 Those are your lawyers in this matter.  
11 Correct?

12 A. That is correct.

13 Q. And you see how underneath the heading the  
14 certificate of service, it says that: I certify that  
15 on this day, 28th day of February 2022, a true and  
16 correct copy of the foregoing was served on counsel of  
17 record.

18 And you see Mr. Cedillo's signature  
19 there. Correct?

20 A. I do see that.

21 MR. EKELAND: And if we could go to the  
22 next page and go to Request for Production Number 1.

23 And if we could just highlight the  
24 paragraph right underneath that header.

25 Blow it up.

1 Q. (BY MR. EKELAND) And you see how it says:  
2 Request for Production Number 1, the request is for all  
3 communications, including recordings, ESI, which is  
4 short for electronically stored information, e-mails  
5 phone calls, et cetera, between Dr. Guerra and any  
6 investigative services she has used to look into  
7 Dr. Cantu and/or Mr. Cantu [sic].

8 Did you search for that information?

9 MS. PEERY: Objection, form.

10 A. Yes.

11 Q. (BY MR. EKELAND) When did you do that search?

12 A. I don't recall.

13 Q. Was it in the last month?

14 MS. PEERY: Objection, form.

15 A. No.

16 Q. (BY MR. EKELAND) Was it the in last six  
17 months?

18 MS. PEERY: Objection, form.

19 A. I honestly do not recall.

20 Q. (BY MR. EKELAND) Do you recall what you did  
21 to search for the information?

22 MS. PEERY: Objection, form.

23 A. I looked for e-mails that were related to  
24 Digital Forensics and provided anything that I had  
25 found to my lawyers.

1 Q. (BY MR. EKELAND) And did you look at anything  
2 else besides e-mails?

3 MS. PEERY: Objection, form.

4 A. No.

5 Q. (BY MR. EKELAND) Did you have any third-party  
6 vendor or anybody else come in to help you with your  
7 searches?

8 MS. PEERY: Objection, form.

9 A. No.

10 Q. (BY MR. EKELAND) Did your lawyers have  
11 anybody come in and search for you?

12 MS. PEERY: Objection, form.

13 A. No.

14 Q. (BY MR. EKELAND) Has anybody else besides you  
15 searched for information on your devices and your  
16 Web-based accounts or anything else besides you?

17 MS. PEERY: Objection, form.

18 Q. (BY MR. EKELAND) You can answer.

19 A. Not -- not in response to this lawsuit, no.

20 Q. In response to other lawsuits?

21 MS. PEERY: Objection, form.

22 A. No. I was referring to the function that  
23 Digital Forensics did back in 2018 on my computer.  
24 That was the only other time.

25 Q. (BY MR. EKELAND) Have you deleted any files,

1 messages, recordings, texts at any time that are  
2 related to this matter?

3 A. No.

4 Q. Are you aware of anyone else having done so?

5 A. No.

6 MS. PEERY: Objection, form.

7 Q. (BY MR. EKELAND) And directing your attention  
8 to the sentence under Request for Production Number 2,  
9 do you see how it says Request for Production Number 2,  
10 it says the request is for recordings, transcripts  
11 and/or records of communication between Dr. Guerra,  
12 Dr. Cantu and/or Mrs. Cantu.

13 Did you search for that information?

14 MS. PEERY: Objection, form.

15 A. Yes.

16 Q. (BY MR. EKELAND) What did you search?

17 MS. PEERY: Objection, form.

18 A. Any communications that I've had with  
19 Dr. Cantu or Mrs. Cantu.

20 Q. (BY MR. EKELAND) And did you find  
21 communications?

22 MS. PEERY: Objection, form.

23 A. Yes. And those have been provided.

24 Q. All of them?

25 MS. PEERY: Objection, form.

1           A.     Yes.

2           Q.     (BY MR. EKELAND) Do you recall the search  
3 terms you used when you searched for this information?

4                   MS. PEERY: Objection, form.

5           A.     I do not.

6           Q.     (BY MR. EKELAND) Were you provided with any  
7 search terms by your lawyers?

8                   MS. PEERY: Objection, form.

9           A.     No.

10          Q.     (BY MR. EKELAND) Were you provided with any  
11 kind of guidance at all on how to conduct your search  
12 for information in relation to our discovery requests?

13                   MS. PEERY: Objection, form.

14                   And I'm going to instruct you not to  
15 answer with respect to any privileged communications  
16 between myself and Ricardo.

17                   MR. EKELAND: Are you instructing the  
18 witness not to answer?

19                   MS. PEERY: I'm instructing her not to  
20 answer to the extent that it's requesting any  
21 privileged communications between Dr. Guerra and her  
22 attorneys regarding instructions.

23                   MR. EKELAND: Yeah, I'm not asking for  
24 the subject matter contents. I'm asking if she  
25 received any guidance from --

1 MS. PEERY: And I'm -- I'm still going  
2 to --

3 MR. EKELAND: So let me finish the  
4 question and you can put the privilege objection on and  
5 we can move on.

6 Q. (BY MR. EKELAND) So I'm asking, Dr. Guerra,  
7 if you have received at any point any guidance from  
8 your lawyers on how to conduct a search for information  
9 responsive to our discovery requests?

10 MS. PEERY: And I am objecting as  
11 privileged and instructing the witness not to answer.

12 Q. (BY MR. EKELAND) Moving on to Request for  
13 Production Number 3 and the sentence under that.

14 And you see how the request is for  
15 contracts Dr. Guerra signed with any investigative  
16 service, including Detective.com and Digital Forensics,  
17 LLC.

18 And you've searched for all the  
19 information responsive to that request?

20 MS. PEERY: Objection, form.

21 Q. (BY MR. EKELAND) You can answer.

22 A. Yes.

23 Q. And you produced everything that you found in  
24 that search?

25 MS. PEERY: Objection, form.

1           A.     Yes.

2           Q.     (BY MR. EKELAND) And moving to Request for  
3     Production Number 4, and you say -- it says: All  
4     statements such as bank statements, receipts, cash,  
5     check withdrawals containing evidence Dr. Guerra paid  
6     for her counsel Andrew Del -- I don't know how to say  
7     the last name -- Cueto.

8                     Did you search for information responsive  
9     to that request?

10                    MS. PEERY: Objection -- objection, form.

11                    I'm instructing the witness not to  
12     answer. The court has already ruled on this request  
13     for production and has sustained our objection.

14           Q.     (BY MR. EKELAND) Okay. That's -- but my  
15     question is did you search for information responsive  
16     to this request?

17                    MS. PEERY: Same objection.

18                    Same instruction.

19                    MR. EKELAND: You're instructing the  
20     witness to answers -- not to answer based on what?

21                    MS. PEERY: Based on the court's ruling.

22                    MR. EKELAND: Which is what?

23                    MS. PEERY: He sustained their objection  
24     to this production -- to this request for production.

25                    MR. EKELAND: And you're instructing the

1 witness not to answer on that basis?

2 MS. PEERY: Yes.

3 Q. (BY MR. EKELAND) Okay. Now let's go to  
4 Request for Production Number 5.

5 And you can see how it says request:  
6 Provide all -- provide receipts and all records related  
7 to the purchase of the iPads for your daughters  
8 referenced in your counterclaims and any evidence which  
9 shows you were searching for the lost or missing iPad.

10 Have you searched for information  
11 responsive to this request?

12 MS. PEERY: Objection, form.

13 A. Yes.

14 Q. (BY MR. EKELAND) And have you produced the  
15 information that you found in that search?

16 A. There was no evidence to produce.

17 Q. So it's your testimony here today that you've  
18 got no evidence of or related to the purchase of the  
19 iPads for your daughters?

20 MS. PEERY: Objection, form.

21 A. I do not have receipts for purchase of an  
22 iPad.

23 Q. (BY MR. EKELAND) What do you have?

24 A. I did not have a receipt --

25 MS. PEERY: Objection, form.



1           A.     -- for the purchase of an iPad.

2           Q.     (BY MR. EKELAND) Do you have any record of a  
3 purchase of the iPads?

4                     MS. PEERY: Objection, form.

5           A.     No.

6           Q.     (BY MR. EKELAND) Moving on to Request for  
7 Production Number 6.

8                     And there you can see it requests all  
9 documents and communications between you, Dr. Guerra  
10 and Digital Forensics Corporation, LLC.

11                    Did you search for all documents and  
12 communications responsive to Request Number 6?

13          A.     Yes.

14          Q.     And you produced all those communications and  
15 documents that you found in your search to us. Is that  
16 true?

17          A.     Yes.

18          Q.     Let's go to Request Number 7. And you see  
19 that Request Number 7 is for all documents and  
20 communications concerning this matter which you will  
21 raise, use or rely on at trial.

22                    Did you search for this information?

23                    MS. PEERY: Objection, form.

24          Q.     (BY MR. EKELAND) You can answer.

25          A.     I believe that anything that will be raised or

1 introduced in trial will be between my attorney and I  
2 so as far as everything that I have in my possession, I  
3 have provided to my attorneys.

4 Q. (BY MR. EKELAND) Let's go to Request for  
5 Production number 8.

6 And there you can see that the Request  
7 for Production Number 8 is for any ESI, electronically  
8 stored information, or physical evidence or  
9 documentation asserting that there's been unauthorized  
10 access to Dr. Cantu's and Dr. Guerra's daughters' iPad.

11 Did you search for that information?

12 MS. PEERY: Objection, form.

13 A. Yes.

14 Q. (BY MR. EKELAND) And did you find any?

15 A. Yes.

16 MS. PEERY: Objection, form.

17 Q. (BY MR. EKELAND) What was that information  
18 that you found?

19 A. It was in the previous discovery request from  
20 Dr. Cantu during the family case.

21 Q. And that's been produced to us in this case?

22 A. I don't know if it's been produced to you.

23 Q. But you could produce it to us?

24 A. Uh-huh, yes.

25 MS. PEERY: Objection, form.

1 Q. (BY MR. EKELAND) And you said it was  
2 previously produced in the civil custody dispute. Is  
3 that correct?

4 MS. PEERY: Objection, form.

5 A. That is correct.

6 Q. (BY MR. EKELAND) And was -- what's in -- what  
7 was produced in the civil custody dispute in relation  
8 to -- that you're referencing there in Request Number  
9 9, was that everything that you found in your search  
10 when you searched this time when we made this request?

11 MS. PEERY: Objection, form.

12 A. Yes.

13 Q. (BY MR. EKELAND) So I'm moving on to Request  
14 Number 10.

15 And there you can see it asks -- Request  
16 for Production Number 10 asks for any ESI or physical  
17 evidence or documentation asserting that Dr. Guerra  
18 sustained a loss due to the unauthorized access of her  
19 daughters' iPad -- iPad and/or Verizon account.

20 Did you search for that information?

21 MS. PEERY: Objection, form.

22 A. Yes.

23 Q. (BY MR. EKELAND) When did you do that?

24 A. I don't --

25 MS. PEERY: Objection, form.

1 A. I don't recall when I did that.

2 Q. (BY MR. EKELAND) And did you find anything?

3 MS. PEERY: Objection, form.

4 A. I think we discussed the Verizon account  
5 information, that is what I have.

6 Q. (BY MR. EKELAND) And that's it.

7 So you found no evidence of unauthorized  
8 access to your daughters' iPad?

9 MS. PEERY: Objection, form.

10 A. That is not my statement.

11 Q. (BY MR. EKELAND) Did you find any evidence of  
12 unauthorized access to your daughters' iPad?

13 MS. PEERY: Objection, form.

14 A. Yes, I -- previous question alluded to that  
15 that it was in the discovery of Dr. Cantu during the  
16 family case.

17 Q. (BY MR. EKELAND) But you haven't produced it  
18 here.

19 MS. PEERY: Objection, form.

20 That's not what she said.

21 A. It has been produced.

22 MR. EKELAND: I wasn't characterizing her  
23 testimony, Counselor, I was asking her whether or  
24 not --

25 Q. (BY MR. EKELAND) It has been produced here?

1           A.     I have provided that information to my  
2 attorneys. Whether you have received it or not, I  
3 cannot speak to.

4           Q.     You provided your attorneys everything that  
5 you found in your search that was responsive to Request  
6 for Production Number 10.

7                     Is that what I just heard you say?

8           MS. PEERY: Objection, form.

9           A.     Yes, sir.

10          Q.     (BY MR. EKELAND) Let's go to Request for  
11 Production Number 11.

12                     There you can see that Request for  
13 Production Number 11 is for any ESI or physical  
14 evidence or documentation asserting that you,  
15 Dr. Guerra's, computer network has been accessed  
16 without -- without authorization.

17                     Did you search for this ESI or physical  
18 evidence that's responsive to the Request Number 11?

19          MS. PEERY: Objection, form.

20          A.     I cannot recall this one.

21          Q.     (BY MR. EKELAND) Do you know if any evidence  
22 or ESI exists --

23          MS. PEERY: Objection, form.

24          Q.     (BY MR. EKELAND) -- for your claim that your  
25 computer network was accessed without authorization?

1 MS. PEERY: Objection, form.

2 A. I do not have a client, sir, so I can't speak  
3 to that.

4 Q. (BY MR. EKELAND) I didn't -- I didn't hear  
5 what you -- I just didn't hear what you said.

6 You don't have a what?

7 A. I said I don't have a client. You asked me if  
8 I had any information for my client. I don't have a  
9 client.

10 Q. (BY MR. EKELAND) I misspoke. I misspoke. My  
11 apologies.

12 Are you aware of any evidence, ESI or  
13 physical evidence, that shows that your computer  
14 network was accessed without authorization?

15 MS. PEERY: Objection, form.

16 A. No.

17 Q. (BY MR. EKELAND) Moving on to Request for  
18 Production Number 12.

19 And here you can see the Request is for  
20 any ESI or physical evidence or documentation asserting  
21 that your e-mail, Dr. Guerra's personal e-mail, has  
22 been accessed without authorization.

23 Did you look for this ESI or physical  
24 evidence?

25 MS. PEERY: Objection, form.

1           A.     It is also embedded within the discovery of  
2     Dr. Cantu during the family case.

3           Q.     (BY MR. EKELAND)   And have you produced that  
4     in this case?

5                     MS. PEERY:   Objection, form.

6           A.     Yes.

7                     MR. EKELAND:   What are we on?

8                     Let's move to Request for Production  
9     Number 13.

10          Q.     (BY MR. EKELAND)   This is a request for any  
11     SI -- any ESI or physical evidence or documentation  
12     obtained from accessing Mrs. Cantu's e-mail, social  
13     media, personal devices and router.

14                    Do you have any such information?

15                    MS. PEERY:   Objection, form.

16          A.     Do not.

17          Q.     (BY MR. EKELAND)   Did you look for it?

18                    MS. PEERY:   Objection, form.

19          A.     I have no ability to look for that.   I did not  
20     have any of it.

21          Q.     (BY MR. EKELAND)   Request for Production  
22     Number 14 is for --

23                    MR. EKELAND:   You can highlight 14.

24                    There you go.

25          Q.     (BY MR. EKELAND)   -- a request for any ESI or

1 physical evidence or documents containing information  
2 regarding defamation of your character by the Cantus.

3 Have you searched for all of that  
4 information?

5 MS. PEERY: Objection, form.

6 A. I have.

7 Q. (BY MR. EKELAND) And you've produced it all  
8 to us?

9 MS. PEERY: Objection, form.

10 A. Yes.

11 Q. (BY MR. EKELAND) And then let's go to Request  
12 for Production Number 15.

13 It says -- Request Number 15 is for any  
14 ESI or physical evidence or documents containing direct  
15 threats to you or your children by the Cantus.

16 Did you search for that information?

17 MS. PEERY: Objection, form.

18 A. Yes.

19 Q. (BY MR. EKELAND) And you produced everything  
20 responsive to the Request for Production Number 15?

21 MS. PEERY: Objection, form.

22 A. Yes.

23 Q. (BY MR. EKELAND) And going on to Request for  
24 Production Number 16 for any bank statements or credit  
25 card statements showing that you hired security for



1 your wedding.

2 Did you search for that information?

3 MS. PEERY: Objection, form.

4 A. I cannot recall.

5 Q. (BY MR. EKELAND) Do you have that  
6 information?

7 MS. PEERY: Objection, form.

8 A. I would think that I do, but I am not certain.

9 Q. (BY MR. EKELAND) And who did you hire for  
10 security for your wedding?

11 A. I do not recall.

12 Q. Do you know how much you paid them?

13 A. I do not recall.

14 Q. Let's go to 18.

15 Request Number 18, as you can see, is for  
16 any ESI or physical evidence or documentation  
17 containing your last contact and/or communication with  
18 Mrs. Cantu.

19 Did you search for that information?

20 MS. PEERY: Objection, form.

21 A. Yes.

22 Q. (BY MR. EKELAND) And have you produced that  
23 to us?

24 MS. PEERY: Objection, form.

25 A. Yes.

1 Q. (BY MR. EKELAND) Do you know when your last  
2 contact or communication with Mrs. Cantu was?

3 A. April 1st, 2018, outside a Pei Wei,  
4 independent of legal actions that have come since that  
5 time.

6 Q. Fair enough. Fair enough.

7 And that -- that April 1st, 2018, Pei Wei  
8 interaction was roughly about two minutes long.  
9 Correct?

10 MS. PEERY: Objection, form.

11 A. I do not recall the length of time.

12 Q. (BY MR. EKELAND) Do you recall testifying to  
13 that length of time in your deposition in the civil  
14 matter?

15 A. I do not. I do not recall what I said in that  
16 deposition, it's been some time.

17 Q. But you testified truthfully in that  
18 deposition. Correct?

19 MS. PEERY: Objection, form.

20 A. Yes.

21 Q. (BY MR. EKELAND) You took an oath under the  
22 penalty of perjury affirming that you would testify  
23 truthfully. Correct?

24 A. Yes.

25 Q. Let's go to Request for Production Number 19.

1                   And this is a request for any phone bills  
2 and/or ESI containing calls to the police regarding  
3 alleged stalking by Mrs. Cantu.

4                   Did you search for that information?

5                   MS. PEERY: Objection, form.

6           A.     I do not recall if I looked for that  
7 information.

8           Q.     (BY MR. EKELAND) Do you have any phone  
9 records or ESI related to this request?

10           MS. PEERY: Objection, form.

11          A.     I do not think so.

12          Q.     (BY MR. EKELAND) Let's go to Request for  
13 Production Number 20.

14                   And here you can see the request is for  
15 any ESI or physical evidence or documents showing you  
16 had to miss work due to alleged hackings.

17                   Did you search for that information?

18                   MS. PEERY: Objection, form.

19          A.     I do not recall if I searched for it or not.

20          Q.     (BY MR. EKELAND) Do you have that  
21 information?

22                   MS. PEERY: Objection, form.

23          A.     I only have recollection of having to miss  
24 work. I don't think I have ESI or physical evidence  
25 regarding that.

1 Q. (BY MR. EKELAND) And what days did you miss  
2 work?

3 A. I do not recall that at the moment.

4 Q. And how exactly were you prevented from  
5 working on those days?

6 MS. PEERY: Objection, form.

7 A. Because I had to respond and hire people to be  
8 able to assist me such as Digital Forensics and  
9 Detective.com and be able to make a police report and  
10 all those other things that go along with managing when  
11 there has been -- spending time on the phone with  
12 Verizon fraud. Those are ways that I had to not be  
13 focused on my work in order to respond.

14 Q. (BY MR. EKELAND) How long did you spend on  
15 the phone with Verizon fraud?

16 MS. PEERY: Objection, form.

17 A. It was more than one occasion, each time  
18 probably my guess is 20, 30 minutes each time.

19 Q. (BY MR. EKELAND) And you have phone records  
20 of this?

21 MS. PEERY: Objection, form.

22 A. I don't have phone records of it that I'm  
23 aware of.

24 Q. (BY MR. EKELAND) Do you have any record of  
25 those phone conversations at all?

1 MS. PEERY: Objection, form.

2 A. I do not recall.

3 Q. (BY MR. EKELAND) Have you searched for them?

4 MS. PEERY: Objection, form.

5 A. I have not.

6 Q. (BY MR. EKELAND) You said it took time to  
7 hire DFC. How much time did it take to hire DFC?

8 A. I would imagine I probably was on the phone  
9 with them and then of course to arrange payment, a  
10 total of a few hours to make the entire process work  
11 out.

12 Q. In one day?

13 MS. PEERY: Objection, form.

14 A. I do not recall. Most likely.

15 Q. (BY MR. EKELAND) Do you have records of your  
16 phone calls and interactions with DFC that would  
17 document the time that you spent talking to them?

18 MS. PEERY: Objection, form.

19 A. I do not know if I still have this as of this  
20 date.

21 Q. (BY MR. EKELAND) And you chose when to  
22 contact DFC. Correct?

23 MS. PEERY: Object to form.

24 A. I think I'm not understanding the question  
25 very well.

1 Q. (BY MR. EKELAND) You picked the time. You  
2 picked the time when you contacted DFC. Correct?

3 MS. PEERY: Objection, form.

4 A. Yes, I -- I picked the time to call them.  
5 Yes, sir.

6 Q. (BY MR. EKELAND) And then Detectives.com, how  
7 long did it take for you to hire Detectives.com?

8 A. I would imagine about -- my recollection is  
9 going to be 30 minutes or so. 20, 30 minutes maybe.

10 Q. Right. Because you can hire them through  
11 their Web site. Correct?

12 MS. PEERY: Objection, form.

13 A. I -- yes, that is, but it included a  
14 conversation and payment.

15 Q. (BY MR. EKELAND) But you had a phone call  
16 with them?

17 A. Yes.

18 Q. Do you remember who the phone call was with?

19 A. No. I believe you asked me that already, sir.

20 Q. Okay. Anything else that we haven't discussed  
21 here that you say caused you to miss work?

22 MS. PEERY: Objection, form.

23 A. As with anyone else going through similar  
24 situations, it's an extremely super stressful situation  
25 which made it difficult to focus on working when trying

1 to manage. There was a lot of stuff going on at that  
2 time in our family.

3 Q. (BY MR. EKELAND) But your claim that the  
4 hacks, the alleged hacks prevented you from going to  
5 work is based on the fact that -- the facts that you  
6 had to spend time to hire DFC and Detectives.com and  
7 spend time on the phone with Verizon. Is that correct?

8 MS. PEERY: Objection, form.

9 A. That is inclusive and then also contacting the  
10 Web sites that were fraudulently signed up, trying to  
11 get those taken down also took time.

12 Q. (BY MR. EKELAND) And you had to do that  
13 during your work hours?

14 MS. PEERY: Objection, form.

15 A. Those were being done during working hours,  
16 yes, sir.

17 Q. (BY MR. EKELAND) But did you have to do them  
18 during your work hours?

19 MS. PEERY: Objection, form.

20 A. That was when they were done. I can't tell  
21 you if I had to or not, I don't know, sir.

22 Q. (BY MR. EKELAND) You chose to do them during  
23 your work hours.

24 MS. PEERY: Objection, form.

25 A. That is when they were being done, yes, sir.

1           Q.     (BY MR. EKELAND) And you did it of your own  
2 choice?

3                   MS. PEERY: Objection, form.

4           A.     It was not my choice to manage the situation,  
5 sir.

6           Q.     (BY MR. EKELAND) It was your choice when to  
7 take time to manage the situation. Correct?

8                   MS. PEERY: Objection, form.

9           A.     I did -- I did call to manage the situation  
10 that was constantly changing every day.

11          Q.     (BY MR. EKELAND) But nobody told you when you  
12 were supposed to call. Correct?

13          A.     That's correct.

14                   MS. PEERY: Form.

15          Q.     (BY MR. EKELAND) You weren't following any  
16 orders from anybody else. Correct?

17                   MS. PEERY: Objection, form.

18          A.     Yeah, that's correct.

19          Q.     (BY MR. EKELAND) And you manage your own  
20 time. Correct?

21                   MS. PEERY: Objection, form.

22          A.     Yes.

23                   MR. EKELAND: If we could go to Request  
24 for Production Number 21. I don't have the exhibit up  
25 anymore.



1 Oh, there we go.

2 Q. (BY MR. EKELAND) And Request for Production  
3 Number 21 asks for any ESI or physical evidence or  
4 documents that show your e-mail and name are used to  
5 set up online profiles/accounts on your behalf.

6 And you've searched for that information?

7 MS. PEERY: Objection, form.

8 A. Yes.

9 Q. (BY MR. EKELAND) And you've produced  
10 everything that you have that's responsive to this  
11 request?

12 MS. PEERY: Objection, form.

13 A. Yes.

14 Q. (BY MR. EKELAND) And then let's go to Request  
15 for Production Number 22.

16 And you see Request for Production Number  
17 22 is the request for any ESI or physical evidence or  
18 documents that your personal e-mail or e-mail accounts  
19 were accessible through your daughters' iPad.

20 Have you searched for that information?

21 MS. PEERY: Objection, form.

22 A. Yes.

23 Q. (BY MR. EKELAND) And you've produced  
24 everything that's responsive to this request to us?

25 MS. PEERY: Objection, form.

1           A.     It has been produced to my attorneys, yes.

2           Q.     (BY MR. EKELAND) Everything responsive to  
3 this request that you found you produced to your  
4 attorneys. Is that correct?

5           A.     Yes. Yes.

6           Q.     Request for Production Number 23.

7                     And you can see that this is for any ESI  
8 or physical evidence or documents containing phone  
9 records from April 1, 2018, to April 2nd, 2018.

10                    Did you search for this information?

11                   MS. PEERY: Objection, form.

12           A.     I do not recall if I did search this or not.

13           Q.     (BY MR. EKELAND) Do you have phone records  
14 from April 1st, 2018, to April 2nd, 2018?

15           A.     I am not sure what you mean by phone records.  
16 Like phone calls? I don't know if I still have that  
17 anymore.

18           Q.     Do you keep your phone bills?

19           A.     No.

20           Q.     Can you access your phone bills with your  
21 phone company?

22           A.     I cannot access them online anymore.

23           Q.     How can you access them?

24                   MS. PEERY: Objection, form.

25           A.     I do not know.

1 Q. (BY MR. EKELAND) Have you tried to access  
2 them in response to our requests?

3 MS. PEERY: Objection, form.

4 A. I do not recall.

5 Q. (BY MR. EKELAND) So I just want to be clear  
6 it's your testimony that you -- to the best of your  
7 recollection, you have not done a search for  
8 information responsive to Request Number 23?

9 MS. PEERY: Objection, form.

10 A. I -- my clarification, sir, is that I don't  
11 recall.

12 Q. (BY MR. EKELAND) You don't recall whether or  
13 not you've done a search for responsive information to  
14 Number 23?

15 MS. PEERY: Objection, form.

16 Q. (BY MR. EKELAND) Let's go on.

17 MR. EKELAND: You're really soft, I'm  
18 hearing your objections to form, but you might just  
19 want to be a little bit louder for the court reporter.

20 And I think there was an objection to  
21 form for almost all the last questions just in case  
22 there's any question on that.

23 Q. (BY MR. EKELAND) Request for Production  
24 Number 24.

25 This is a request for any ESI or physical

1 evidence or documentation including any hardware or  
2 electronic devices or software given to DFC, Digital  
3 Forensics Corporation, for forensic analysis or any  
4 other analysis.

5 Did you search for everything responsive  
6 to this request?

7 MS. PEERY: Objection, form.

8 A. Yes.

9 Q. (BY MR. EKELAND) And did you produce  
10 everything you found to us?

11 MS. PEERY: Objection, form.

12 A. It has been provided for my attorneys.

13 Q. (BY MR. EKELAND) Everything you found you  
14 provided to your attorneys.

15 MS. PEERY: Objection, form.

16 Q. (BY MR. EKELAND) Is that correct?

17 A. Yes.

18 Q. And the Request Number 25 is a request for all  
19 documents related to your recent settlement with  
20 Humana.

21 And I'm assuming counsel is going to make  
22 the previous objection if she'd like to go do that.

23 MS. PEERY: Prior objection and  
24 instruction regarding the settlement with Humana.

25 Q. (BY MR. EKELAND) So --

1 MS. PEERY: And in addition, objection  
2 based on the court's prior sustaining of our objection  
3 to this request.

4 MR. EKELAND: Sorry. I had a phone call  
5 coming in on my computer. Ms. Peery, I think you said  
6 that your objections, if I heard them correctly, were  
7 the prior objection about the settlement privilege or  
8 whatever we termed it and also that the court has  
9 already ruled on this request. Is that correct?

10 MS. PEERY: Yes, the court has sustained  
11 our objection to this request.

12 MR. EKELAND: That is it for Exhibit T.  
13 I would like to take a 10-minute break to  
14 see if I have any other questions, but I don't expect  
15 this to go much longer even if I do. So shall we just  
16 take 10?

17 MS. PEERY: Do you need the full 10 or --

18 MR. EKELAND: I would like to take the  
19 full 10, yeah, I just want to make sure I've got  
20 everything I think I've gotten.

21 MS. PEERY: All right. Can we say 12:30?

22 MR. EKELAND: Yeah. Let's do 12:30,  
23 that's fine.

24 VIDEOGRAPHER: Off the record. We're  
25 off.

1 (A recess was taken.)

2 VIDEOGRAPHER: We're back on the video  
3 record. This is media file number 3. The time is  
4 1:30 p.m.

5 MR. EKELAND: Dr. Guerra, thank you for  
6 your testimony. I have no further questions for you.

7 I pass the witness.

8 MS. PEERY: We'll reserve our questions  
9 for time of trial.

10 REPORTER: Will she read and sign her  
11 deposition?

12 MS. PEERY: Yes, if you can send it to  
13 me.

14 REPORTER: Will you need a copy as well  
15 for yourself?

16 MS. PEERY: Yes.

17 VIDEOGRAPHER: Going off the video record  
18 at 1:30 p.m.

19 REPORTER: And then what kind of  
20 transcript would you like, Mr. Ekeland?

21 MR. EKELAND: E-tran, let's do that.

22 (Deposition concluded.)

23

24

25

1 **CHANGES AND SIGNATURE**

2 **PAGE LINE CHANGE REASON FOR CHANGE**

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15 I, SANDRA GUERRA, have read the foregoing  
16 deposition and hereby affix my signature that same is  
17 true and correct, except as noted herein.

18

19

\_\_\_\_\_  
SANDRA GUERRA

20

21 SUBSCRIBED AND SWORN TO before me this the

22

\_\_\_\_\_ day of \_\_\_\_\_, 2022.

23

SEAL:

24

\_\_\_\_\_  
NOTARY PUBLIC

25

EXPIRES: \_\_\_\_\_

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF TEXAS  
3 SAN ANTONIO  
4

5 MELODY JOY CANTU AND DR.  
6 RODRIGO CANTU,

7 Plaintiffs,

8 v.

5:20-CV-0746JKP-HJB

9 DR. SANDRA GUERRA AND DIGITAL  
10 FORENSICS CORPORATION, LLC,  
11 Defendants.  
12

13 CERTIFICATE OF COMPLETION OF DEPOSITION

14 I, TRUENEA TEASLEY, CSR #8719, DO HEREBY CERTIFY  
15 that on July 21, 2022, the deposition of Sandra Guerra,  
16 M.D., was taken before me at the request of, and sealed  
17 original thereof retained by:

18 For the Plaintiffs (Remotely):

19 Tor Ekeland  
20 Tor Ekeland Law, PLLC  
21 30 Wall Street, 8th Floor  
22 New York, New York 10005  
23 tor@torekeland.com  
24

25 I FURTHER CERTIFY that copies of this certificate  
have been mailed to or delivered to all counsel, and  
parties to the proceedings not represented by counsel,  
appearing at the taking of the deposition:

For the Defendant (Remotely):

Brandy Peery  
Cedillo & Mendoza, Inc.  
755 East Mulberry, Suite 250  
San Antonio, Texas 78212  
beery@lawdcm.com



1 I FURTHER CERTIFY that examination of this  
transcript and signature of the witness was reserved by  
2 the witness and all parties present. On  
\_\_\_\_\_, 2022, a letter was mailed or  
3 delivered to Ms. Brandy Peery regarding obtaining  
signature of the witness, and corrections, if any, were  
4 appended to the original and each copy of this  
deposition.

5  
6 I FURTHER CERTIFY that the cost of the original  
and one copy of the deposition, including exhibits, to  
7 Mr. Tor Ekeland, is \$\_\_\_\_\_.  
8

9 I FURTHER CERTIFY that I did administer the oath  
to the witness herein prior to the taking of this  
10 deposition; that I did thereafter report in  
stenographic shorthand the questions and answers set  
11 forth herein, and the foregoing is a true and correct  
transcript of the proceeding had upon the taking of  
12 this deposition to the best of my ability.  
13

14 I FURTHER CERTIFY that I am neither employed by  
nor related to any of the parties or attorneys in this  
15 case, and that I have no interest in the final  
disposition of this case in any court.  
16  
17  
18

19 \_\_\_\_\_  
TRUENEA TEASLEY, CSR/RPR/CCR  
CSR No. 8719  
License Expires: 09-30-2022  
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